



Journal of the Senate

Number 18

Tuesday, May 29, 1990

CALL TO ORDER

The Senate was called to order by the President at 9:40 a.m. A quorum present—40:

Mr. President	Deratany	Johnson	Plummer
Bankhead	Diaz-Balart	Kirkpatrick	Scott
Beard	Dudley	Kiser	Souto
Brown	Forman	Langley	Stuart
Bruner	Gardner	Malchon	Thomas
Casas	Girardeau	Margolis	Thurman
Childers, D.	Gordon	McPherson	Walker
Childers, W. D.	Grant	Meek	Weinstein
Crenshaw	Grizzle	Myers	Weinstock
Davis	Jennings	Peterson	Woodson-Howard

Excused: Periodically, conferees on Finance and Taxation

PRAYER

The following prayer was offered by Dr. Keith Thomas, Pastor, First Baptist Church, West Palm Beach:

Father, we want to pause to praise you because you are Jehovah and as Jehovah you're the sovereign one who knows the end from the beginning. We praise you for another gracious and extravagant display of your grace in giving us this day. We are grateful that you still want to do something in a special way to bless us and display your love for us. We thank you that you're faithful, that you're merciful and, Lord, as an intercessor I want to pray for these leaders and thank you for our country and thank you for our great state.

Lord, I pray that you would infuse them with wisdom and strength to lead us into a society marked by tranquility, dignity and godliness; Lord, that you'd give them wisdom to know right and the courage to do it; Lord, that you'd engineer circumstances to help them see how much you love them and how much you care for them.

Lord, I pray that there would be a spirit of harmony and that righteousness would prevail. Lord, I pray that you would not only bless them, but that you would bless their families and their loved ones. Place a mighty wall of protection around each one of them.

Lord, I pray in a special way that today in the midst of pressure as Jehovah Shalom, you would minister peace; Lord, that in the midst of their weakness that as El Shaddai you'd give them your strength; and Lord, I pray that in the midst of all the adversity and the stress that they would sense your presence as Jehovah Shemaiah. Lord, I pray that you'd bless them above their highest expectations and I pray all of this in the sweet name of the Lord Jesus Christ. Amen.

Special Performance

Senator Don Childers introduced Bill Keith, Associate Pastor and Minister of Music, First Baptist Church, West Palm Beach; and his wife Anna Keith, Professor of Voice at Palm Beach Atlantic College, who sang "My People."

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Tuesday, May 29, 1990: SB 2506, CS for SB 2272, SB 2496, CS for HB 55, SB 3028, SB 1118, CS for SB 1304, CS for SB 1318, CS for SB 1620, SB 2732, CS for SB 2536, CS for SB 1696, CS for SB 336, CS for SB 664, SB 424, CS for SB 1042, SB 252, SB 348, SB 820, CS for SB 1676, CS for SB 788, CS for SB 998, CS for SB 20, CS for SB's 1674 and 1016, SB 1554, CS for SB's 1120 and 2610, CS for SB 1004, SB 912, CS for SB 600, CS for CS for CS for SB 114, SB 964, SB 928, CS for CS for SB's 1068 and 22, CS for SB 1048, CS for SB 862, CS for SB 1208, CS for SB's 1452, 2818 and 1254, CS for SB 2256, SB 1044, CS for SB 2902, SB 2144, CS for SB 2598, CS for SB 2744, CS for SB 344, CS for CS for SB 2194, CS for SB 2952

Respectfully submitted,
James A. Scott, Chairman

The Committee on Community Affairs recommends the following pass: SB 1690 with 4 amendments

The bill was referred to the Committee on Appropriations under the original reference.

The Committee on Community Affairs recommends the following pass: HB 2745

The bill was placed on the calendar.

The Committee on Community Affairs recommends a committee substitute for the following: SB 2072

The bill with committee substitute attached was referred to the Committee on Appropriations under the original reference.

FIRST READING OF COMMITTEE SUBSTITUTES

By the Committee on Community Affairs and Senator Meek—

CS for SB 2072—A bill to be entitled An act relating to the Community Development Corporation Support and Assistance Program; amending ss. 290.0311, 290.032, F.S.; revising legislative findings and purpose; amending s. 290.033, F.S.; providing definitions; amending s. 290.035, F.S.; revising the requirements which a community development corporation must meet to be eligible for assistance; providing requirements relating to election or appointment of board members; deleting provisions relating to submission of an audit to the Joint Committee on Community Development Corporations; amending s. 290.036, F.S.; revising requirements relating to proposals for administrative grants; providing requirements with respect to board membership; revising the funding cycle and providing requirements with respect thereto; providing for corporations that are ineligible for funding; providing for evaluation of funded corporations; providing that a corporation that provides certain false information is disqualified from funding; specifying the source of administrative funding; providing for monitoring, site visits, and assistance; providing requirements for annual audits; amending s. 290.037, F.S.; providing requirements for annual audits; providing for monitoring of loans; revising criteria for evaluating loan proposals; providing repayment requirements; providing for extension of loan payments or loan renegotiation under certain conditions; providing effect when payments are delinquent; amending s. 290.038, F.S.; providing authority of the Department of Community Affairs; requiring certain training; providing requirements relating to an annual report by the department; designating the subdivisions of ch. 290, F.S.; providing an effective date.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Margolis, by two-thirds vote CS for SB 178, CS for SB 1670, CS for SB 2272, SB 2562 and CS for SB 2648 were withdrawn from the Committee on Appropriations.

On motions by Senator Margolis, by two-thirds vote SB 1428 was withdrawn from Subcommittee B of the Committee on Appropriations and the Committee on Appropriations.

On motions by Senator D. Childers, by two-thirds vote Senate Bills 152, 1840, 2198, 2216 and 2214 were withdrawn from the committees of reference and further consideration.

Motions

On motions by Senator Deratany, the rules were waived and the Select Subcommittee on Claims was granted permission to meet May 30 from 8:00 a.m. until 9:00 a.m. to consider SB 70, House Bills 177, 191 and 363.

On motions by Senator Deratany, the rules were waived and the Committee on Finance, Taxation and Claims was granted permission to meet

May 30 from 12:30 p.m. until 2:00 p.m. to consider SB 2440, CS for SB 1388, Senate Bills 70, 394, 484, 3072, HB 2621, CS for HB 19, HB 121, CS for HB 145, House Bills 177, 191, 363 and CS for HB 427.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

First Reading

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed HB 121, CS for HB 145, HB 177, HB 191, HB 363, CS for HB 427, HB 641, CS for HB 1213, CS for HB 2059, HB 2459, CS for HB 2937, CS for HB 3049, CS for HB 3053, HB 3483, HB 3659, HB 3665, has passed as amended CS for HB 19, CS for HB 33, CS for HB 107, CS for HB's 147 and 397, CS for HB 345, HB 521, HB 535, CS for HB's 633 and 1281, HJR 737, CS for CS for HB 777, CS for HB 805, CS for HB 931, CS for HB 935, CS for HB 941, CS for CS for CS for HB 943, HB 961, CS for HB 1025, CS for HB 1061, CS for HB 1065, CS for HB 1189, CS for HB 1283, CS for CS for HB 1325, CS for HB 1353, CS for HB's 1789 and 687, CS for HB 1845, CS for HB 1857, CS for HB 2009, CS for HB 2033, HB 2045, CS for HB 2237, CS for HB 2307, CS for HB 2403, HB 2413, CS for HB 2493, HB 2499, HB 2509, CS for HB 2511, CS for HB 2525, HB 2559, HB 2565, CS for HB 2599, HB 2621, CS for HB 2753, HB 2759, CS for HB 2771, HB 2787, CS for HB 3019, CS for HB 3059, CS for HB 3109, CS for HB 3129, CS for HB's 3303 and 3305, HJR 3515, HB 3629, CS for HB 3633 and CS for HB 2995, HB 3711, HB 3733, CS for HB 3741, HB 3789, HB 3805, HB 3821 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Young—

HB 121—A bill to be entitled An act for the relief of Mary Avon and Richard Avon, her husband; providing an appropriation to compensate them for the damages sustained as a result of injury to Mary Avon; providing an effective date.

—was referred to the Special Master; and the Committee on Finance, Taxation and Claims.

By the Committee on Claims—Select and Representative Silver—

CS for HB 145—A bill to be entitled An act for the relief of Stella Yamuni, as adoptive mother, next friend and guardian of Sean Yamuni, a minor; providing an appropriation to compensate for injuries sustained by him through the negligence of the Department of Health and Rehabilitative Services; providing an effective date.

—was referred to the Special Master; and the Committee on Finance, Taxation and Claims.

By Representative B. L. Johnson—

HB 177—A bill to be entitled An act for the relief of Steven Mahan; authorizing payment out of the Institutions Claims Fund of the Department of Health and Rehabilitative Services to compensate Steven Mahan for personal property stolen by a juvenile in custody of the department; providing an effective date.

—was referred to the Special Master; and the Committee on Finance, Taxation and Claims.

By Representative Cosgrove—

HB 191—A bill to be entitled An act for the relief of Richard J. Scheuer, as personal representative of the estate of Mrs. Helen R. Scheuer; providing an appropriation in payment of an obligation of the Department of Revenue for a refund of estate tax that has become unenforceable; providing an effective date.

—was referred to the Special Master; and the Committee on Finance, Taxation and Claims.

By Representative Bloom—

HB 363—A bill to be entitled An act for the relief of Mirtha Schlusser, as the widow of William Schlusser and the intended beneficiary of his estate; providing an appropriation for the purpose of paying Mirtha Schlusser the retirement benefits earned by William Schlusser through his service as a Metropolitan Dade County police officer and member of the Florida Retirement System; providing an effective date.

—was referred to the Special Master; and the Committee on Finance, Taxation and Claims.

By the Committee on Claims—Select and Representative Frankel—

CS for HB 427—A bill to be entitled An act relating to Hillsborough County; providing for the relief of Irma Payne, to compensate her for injuries sustained during an operation at Tampa General Hospital; providing for payment by the Hillsborough County Hospital Authority; providing an effective date.

—was referred to the Special Master; and the Committee on Finance, Taxation and Claims.

By Representative Sansom—

HB 641—A bill to be entitled An act relating to counties; amending s. 124.01, F.S.; directing the board of county commissioners, when possible, to use precinct boundaries when setting commissioners' districts; providing an effective date.

—was referred to the Committee on Community Affairs.

By the Committee on Agriculture and Representatives Irvine and Harris—

CS for HB 1213—A bill to be entitled An act relating to environmental management; creating s. 590.026, F.S.; creating the "Florida Prescribed Burning Act"; providing legislative findings and purpose regarding prescribed burning as a land management tool; providing definitions; providing rulemaking authority of the Division of Forestry of the Department of Agriculture and Consumer Services; providing requirements for the conduct of prescribed burning; providing liability of property owner; requiring a report by the Department of Community Affairs, the Division of Forestry, and the Office of the State Fire Marshal regarding actions to minimize wildfires; providing duty of the Office of Environmental Education of the Department of Education; providing an effective date.

—was referred to the Committees on Agriculture and Judiciary-Civil.

By the Committee on Governmental Operations and Representatives Safley and Hoffmann—

CS for HB 2059—A bill to be entitled An act relating to historic preservation; amending s. 267.061, F.S.; requiring state agencies within the executive branch to consider, in the acquisition of additional space, the use of historic properties; requiring such agencies to request the Division of Historical Resources of the Department of State to assist in identifying historic properties appropriate for use by the agency; requiring the Department of General Services to adopt rules for renovating historic properties owned by the state; providing an effective date.

—was referred to the Committees on Governmental Operations and Appropriations.

By Representative Gordon and others—

HB 2459—A bill to be entitled An act relating to abuse of children or disabled or aged persons; amending s. 90.803, F.S.; allowing as evidence statements of certain victims who are aged persons or disabled adults; amending ss. 92.53 and 92.54, F.S.; authorizing videotaping and the use of closed circuit television in proceedings involving certain victims or witnesses who are aged persons or disabled adults; amending ss. 827.01 and 827.03, F.S.; defining "aged person," "disabled adult," and "aggravated abuse"; providing a penalty; amending ss. 110.1127, 393.0655, 394.457, 396.0425, 397.0715, 402.305, 409.175, 415.505, 787.01, 787.02, and 959.06, F.S.; conforming references; providing an effective date.

—was referred to the Committees on Judiciary-Civil; Health and Rehabilitative Services; and Appropriations.

By the Committee on Finance and Taxation; and Representative Bloom—

CS for HB 2937—A bill to be entitled An act relating to taxation; amending s. 20.21, F.S.; creating a Division of Tax Processing within the Department of Revenue and providing its duties; revising responsibilities and functions of divisions within the department; deleting provisions which specify functions under the assistant executive director and executive director; providing for offices within the department; authorizing the department to process taxes, fines, or fees for other state agencies; establishing positions within the department; amending s. 212.18, F.S.; specifying conditions under which certain exhibitors are required to obtain

resale certificates or register as dealers and collect sales tax; providing an effective date.

—was referred to the Committees on Finance, Taxation and Claims; Governmental Operations; and Appropriations.

By the Committee on Higher Education and Representative Jamerson and others—

CS for HB 3049—A bill to be entitled An act relating to postsecondary education; establishing a Historically Black College and University Library Improvement Trust Fund; requiring participating institutions to submit a plan; providing for the purchase of books; providing for committee assessment of certain current library holdings; providing for recommendations on new acquisitions; providing an appropriation; providing an effective date.

—was referred to the Committees on Higher Education and Appropriations.

By the Committee on Employee and Management Relations; and Representative Jamerson and others—

CS for HB 3053—A bill to be entitled An act relating to unemployment compensation; amending s. 443.091, F.S., modifying benefit eligibility conditions for certain claims, and reenacting s. 443.151(3)(a), F.S., relating to determination of claims, to incorporate said amendment in a reference; amending s. 443.111, F.S.; modifying the formula for determining the total amount of benefits to which a claimant may be entitled; providing an effective date.

—was referred to the Committees on Commerce and Appropriations.

By the Committee on Regulatory Reform and Representative Rudd—

HB 3483—A bill to be entitled An act relating to the Risk Assessment Information System Coordinating Council; amending s. 282.502, F.S.; providing for the appointment and termination of nonvoting resource members; providing for reimbursement for per diem and travel; requiring records of meetings; saving s. 282.502, F.S., from Sundown repeal; providing for future review and repeal; providing an effective date.

—was referred to the Committees on Education and Governmental Operations.

By the Committee on Finance and Taxation; and Representative Logan—

HB 3659—A bill to be entitled An act relating to local occupational license taxes; amending ss. 205.033 and 205.043, F.S.; specifying the expiration date for county and municipal licenses; revising transfer fees; providing requirements with respect to licensing of vending machines; authorizing certain municipalities to levy such taxes; creating an Occupational License Tax Study Commission and providing its duties; providing for expiration; providing effective dates.

—was referred to the Committees on Community Affairs; Finance, Taxation and Claims; and Rules and Calendar.

By the Select Committee on Strategic Budget Planning and Representative Gordon—

HB 3665—A bill to be entitled An act relating to state planning; amending s. 186.003, F.S.; providing definitions; amending s. 186.007, F.S.; requiring capital outlay recommendations submitted to the Legislature to be consistent with the state comprehensive plan; requiring consideration of certain recommendations for changes in the state comprehensive plan; amending s. 186.008, F.S.; requiring agency budgets and programs to be consistent with the state comprehensive plan; amending s. 186.021, F.S.; specifying form and content of agency functional plans; specifying process for adoption of agency functional plans; requiring that the strategic tier of the plan be the basis for agency funding requests; amending s. 186.022, F.S.; providing deadlines for submission of agency functional plans; deleting requirement that agency functional plans identify certain financial resources and legislative authority; requiring identification of financial resources necessary to achieve the strategic tier of the plan; requiring that such resources be consistent with the estimates in the plan; specifying deadline for delivery of the strategic tier of agency functional plans; providing for delivery of the strategic tier of an agency functional plan to the Legislature; authorizing evaluation by legislative committees; amending s. 186.031, F.S.; requiring the Governor to submit a

biennial, rather than annual, report on the state comprehensive plan; providing deadlines for delivery of the first and second such reports; specifying form and content of the report; providing for supplements to the biennial report; creating s. 186.041, F.S.; creating, once every 4 years, a Strategic Trend Analysis Commission; providing for membership, terms, per diem, and travel expenses; authorizing contracts with private or public entities to analyze trends and conditions; providing for a Trends and Conditions Report; requiring the use of the report in specified activities; providing an effective date.

—was referred to the Committees on Governmental Operations; Rules and Calendar; and Appropriations.

By the Select Committee on Claims and Representative Arnold—

CS for HB 19—A bill to be entitled An act relating to Lee County; providing for the relief of Suzanne Alexander, Stephen Alexander, Rebeka Alexander, and Bryan Alexander; compensating them for personal injuries sustained as a result of an automobile accident occurring on May 1, 1985, in Fort Myers, Florida; providing for payment by Lee County; providing an effective date.

—was referred to the Special Master; and the Committee on Finance, Taxation and Claims.

By the Committee on Health and Rehabilitative Services; and Representative Hawkins and others—

CS for HB 33—A bill to be entitled An act relating to substance abuse treatment; amending ss. 396.032, 397.021, F.S.; defining "addictions receiving facility" as a treatment resource for alcohol or other drug abuse; amending s. 396.0425; disqualifying a treatment resource operated by a person convicted of trafficking in controlled substances from receiving state funding; amending s. 397.0715; disqualifying a treatment resource operated by a person convicted of trafficking in controlled substances from receiving state funding; creating s. 396.0815, F.S.; providing criteria and procedures for the involuntary evaluation of minors believed to be alcoholic; providing alternative dispositions upon evaluation; requiring parental participation; providing parental responsibility to pay certain fees for services; creating s. 396.125, F.S.; providing rights of minors in treatment; amending s. 396.1816, F.S.; adding legislative intent to expand treatment services based on critical need; creating s. 396.1819, F.S.; establishing the juvenile substance abuse emergency evaluation and specialized treatment services program for the provision of community-based prototype model treatment resources for detoxification, stabilization, and short-term treatment and medical care; providing funding criteria; providing for core services; providing for program implementation and evaluation; authorizing local appropriations; providing rulemaking authority; requiring graduated levels of care from nonintensive to secure; creating s. 397.0515, F.S.; providing for emergency treatment of persons publicly under the influence of a controlled substance; providing for protective custodial detention, examination, transportation, and notice; providing a definition; providing an exemption from liability; creating s. 397.0516, F.S.; providing criteria and procedures for the involuntary evaluation of minors believed to be drug abusers or drug dependents; providing alternative dispositions upon evaluation; requiring parental participation; providing parental responsibility to pay certain fees for services; creating s. 397.0517, F.S.; providing rights of minors in treatment; creating s. 397.0518, F.S.; providing for emergency commitment of drug dependents in certain circumstances; providing criteria and procedure; providing for transportation, examination, and disposition; amending s. 397.098, F.S.; providing authority to determine and publish need for medication treatment programs and limiting the establishment of additional medication treatment programs; requiring an annual assessment of need; providing rulemaking authority; amending s. 397.215, F.S.; adding legislative intent to expand treatment services based on critical need; creating s. 397.218, F.S.; establishing the juvenile substance abuse emergency evaluation and specialized treatment services program for the provision of community-based prototype model treatment resources for detoxification, stabilization, and short-term treatment and medical care; providing funding criteria; providing for core services; providing for program implementation and evaluation; authorizing local appropriations; providing rulemaking authority; requiring graduated levels of care from nonintensive to secure; providing an effective date.

—was referred to the Committees on Health and Rehabilitative Services; Judiciary-Civil; and Appropriations.

By the Committee on Commerce and Representatives Canady and Rudd—

CS for HB 107—A bill to be entitled An act relating to personal property; creating ss. 680.1011-680.532, F.S.; prescribing the law governing transactions involving the leasing of personal property; providing a short title for the act; providing for application of the act; providing definitions of terms used therein; providing for application of other statutes to leases of personal property; providing for territorial application of the act to goods covered by a certificate of title; limiting the power of parties to consumer leases to choose applicable law and judicial forum; providing for waiver or renunciation of claim or right after default; providing for findings of unconscionability by the court; providing for effect of options to accelerate at will; providing for formation and construction of such a lease contract; prescribing a statute of frauds; providing for admissibility of parol or extrinsic evidence; providing for irrevocability of firm offers for specified periods; providing that seals are inoperative; providing for modification, rescission, and waiver of lease contracts; providing for offer and acceptance; providing for course of performance; providing a lessee under a finance lease as beneficiary of supply contract; providing for express and implied warranties; providing for third-party beneficiaries of warranties; providing for identification of goods to the contract; providing for insurance; providing for risk of loss; providing for effect and enforceability of such a lease contract; providing for effect of separation of ownership and possession of the goods; providing for alienability of party's interest under lease contract or of lessor's residual interest in the goods; providing for subsequent lease of goods by lessor; providing for sale or sublease of goods by the lessee; specifying priority of various types of lien; providing special rights of creditors; specifying parties' rights when goods become fixtures or accessions; providing for performance of the lease contract; providing for demand for adequate assurance of performance in cases of insecurity; providing for repudiation and for retraction of repudiation; providing for substituted performance and excused performance; providing for irrevocable promises in finance leases; providing for determination of default by either party; providing procedure; prescribing a statute of limitation for an action for default, including breach of warranty or indemnity; prescribing rights and remedies for default by either party; providing for damages; providing standing to sue third parties for injuries to the goods; providing for lessor recovery for loss of residual interest; amending s. 671.101, F.S.; revising the short title of the Uniform Commercial Code to include this act; amending s. 671.105, F.S.; providing for territorial application of the act and the parties' powers to choose applicable law; amending s. 671.201, F.S.; revising the definition of "security interest" under the Uniform Commercial Code to conform to this act; amending s. 679.113, F.S.; providing for the application of chapter 679, F.S., relating to secured transactions, to security interests arising under leases of personal property; transferring, renumbering, and amending ss. 680.101, 680.104, 680.108, 680.109, 680.11, and 680.111, F.S., relating to laws not repealed by the Uniform Commercial Code and transition provisions applicable with respect to changes enacted by ch. 79-398, Laws of Florida, to conform to the changes made by this act; repealing s. 680.103, F.S., to delete a general repealer that has had its operative effect; repealing s. 680.105, F.S., to delete a severability clause that is redundant with s. 671.108, F.S., and not needed; providing that this act does not apply to leases entered into before the effective date of this act, except by specific agreement; creating s. 319.271, F.S., providing for a terminal rent adjustment clause; providing for applicability; providing an effective date.

—was referred to the Committees on Commerce and Judiciary-Civil.

By the Committee on Employee and Management Relations; and Representative Bloom and others—

CS for HB's 147 and 397—A bill to be entitled An act relating to law enforcement officers, correctional officers, and firefighters; amending s. 112.19, F.S.; providing definitions; increasing death benefits for law enforcement officers; providing for educational expenses for the children of deceased officers; providing for rules; repealing s. 112.1904, F.S., relating to death benefits for law enforcement officers unlawfully and intentionally killed in the performance of duty; amending s. 112.191, F.S.; providing definitions; increasing death benefits with respect to firefighters; providing for educational expenses for the children of deceased firefighters; providing for rules; repealing s. 112.1914, F.S., relating to death benefits for firefighters unlawfully and intentionally killed in the performance of duties; amending ss. 175.201 and 185.21, F.S.; conforming to the act; repealing s. 240.235(3), F.S., relating to educational benefits of special risk members; providing an effective date.

—was referred to the Committees on Personnel, Retirement and Collective Bargaining; Agriculture; and Appropriations.

By the Committee on Criminal Justice and Representative Glickman and others—

CS for HB 345—A bill to be entitled An act relating to criminal offenses; amending s. 316.193, F.S.; providing that driving with a specified breath alcohol level constitutes driving under the influence; providing minimum fines; requiring certain notice to the defendant; amending s. 316.1932, F.S.; specifying the basis for determining the percent of alcohol in blood or breath; expanding implied consent for blood tests; specifying persons who may withdraw blood for blood test purposes; providing for release of breath test information; amending s. 316.1933, F.S.; specifying persons who may withdraw blood; amending s. 316.1934, F.S.; defining "normal faculties"; providing admissibility of breath tests; specifying presumptions relating to impairment; providing that the length of time elapsing between the arrest and the test shall not be considered in determining admissibility of the test; providing for admissibility of an affidavit containing the results of a blood or breath test in specified circumstances; creating s. 316.1937, F.S.; providing for seizure and forfeiture of vehicles involved in certain cases of driving under the influence; providing exceptions; amending ss. 316.656, 322.291, 327.35, 327.352(1)(a)-(d), 327.354, and 327.36(2)(a), F.S.; providing for unlawful breath alcohol levels for which penalties are provided by law; providing a conversion ratio for blood alcohol analysis to breath alcohol analysis; providing for testing methods and procedures; providing for implied consent to testing and for presumptions of breath alcohol impairment; providing for release of breath alcohol test results; providing for seizure and forfeiture of vessels involved in certain cases of operating a vessel under the influence; reenacting ss. 316.066(4), 322.03(1)(b), 322.264, 322.271(2)(a), 322.28(2)(a) and (e), 322.28(5)(a), 322.282(2)(a), 327.351(1) and (2), and 327.353, F.S., relating to accident reports, driver's licenses and operation of a vessel while intoxicated, to incorporate the amendments to ss. 316.193, 316.1932, 316.1933, 316.1934, and 327.35, F.S., in references thereto; amending s. 90.803, F.S.; providing for admissibility of an affidavit containing the results of a blood or breath test; amending s. 316.062, F.S.; providing that the duty of a person to give information regarding an accident to a law enforcement officer does not extend to information that would incriminate the person; amending s. 316.061, F.S.; increasing the maximum fine for leaving the scene of an accident involving damage to vehicles or property; amending ss. 316.066 and 324.051, F.S.; providing circumstances under which a law enforcement officer may testify as to statements made to him relating to accidents; amending s. 921.107, F.S.; authorizing the court to require certain offenders to participate in a substance abuse treatment and education program; providing terms and conditions; providing fines; providing for disposition of fine; providing an effective date.

—was referred to the Committees on Judiciary-Criminal and Appropriations.

By Representative Renke—

HB 521—A bill to be entitled An act relating to testing for alcohol impairment; amending ss. 316.193, 316.1932, 316.1933, 316.1934, 316.656, 322.291, 327.352, 327.354, 327.36, and 550.2405, F.S.; providing for unlawful breath alcohol levels for which penalties are provided by law; providing a conversion ratio for blood alcohol analysis to breath alcohol analysis; providing for testing methods and procedures; providing for implied consent to testing and for presumptions of breath alcohol impairment; providing for release of breath alcohol test results; amending s. 921.107, F.S.; authorizing the court to require certain offenders to participate in a substance abuse treatment and education program; providing terms and conditions; providing fines; providing for disposition of fine; providing an effective date.

—was referred to the Committees on Judiciary-Criminal and Appropriations.

By Representatives Rush and Sindler—

HB 535—A bill to be entitled An act relating to mitigation; creating s. 338.250, F.S.; providing for Central Florida Beltway Mitigation; amending s. 403.918, F.S.; directing the Department of Environmental Regulation to conduct a study of mitigation measures imposed on wetlands development activities; providing for submission to the Legislature; providing a timeframe; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation; and Appropriations.

By the Committee on Regulated Industries and Representative Hargrett and others—

CS for HB's 633 and 1281—A bill to be entitled An act relating to games of chance; amending s. 849.0935, F.S.; providing definitions; authorizing certain organizations to conduct drawings by chance or raffles; authorizing requirement of payment of a fee or contribution; specifying use of proceeds; requiring maintenance of records; providing for inspection of records; limiting individuals who may participate in the conduct of games; prohibiting compensation to such persons; prohibiting use of mechanical or electrical devices or media; prohibiting drawings contingent on other contests; providing a conditional effective date.

—was referred to the Committees on Judiciary-Criminal; and Finance, Taxation and Claims.

By Representative Hargrett—

HJR 737—A joint resolution proposing an amendment to Section 7 of Article X of the State Constitution relating to lotteries.

—was referred to the Committees on Judiciary-Criminal; Finance, Taxation and Claims; and Rules and Calendar.

By the Committees on Finance and Taxation; and Commerce; and Representative Trammell and others—

CS for CS for HB 777—A bill to be entitled An act relating to the Department of State; amending s. 265.606, F.S.; authorizing sponsoring organizations that receive a matching fund endowment under the program to apply for additional endowments; providing requirements and restrictions; revising requirements for investment of endowment funds; creating the Youth Museum Trust Fund; authorizing the Division of Cultural Affairs of the Department of State to provide grants from the trust fund to youth museums; specifying criteria for receipt of grants; requiring an accounting of moneys granted from the trust fund; providing for an independent audit of such moneys; directing the Division of Corporations to annually transfer a specified amount of money from the Corporations Trust Fund to the Youth Museum Trust Fund; providing an appropriation; amending s. 865.09, F.S.; redesignating and substantially revising the Fictitious Name Statute; providing definitions; providing for registration of fictitious names with the department; requiring renewal; providing exemptions; specifying effect of registration; providing penalties; specifying powers of the department; providing for collection and deposit of fees; amending s. 15.09, F.S.; designating all fees collected by the department as processing fees; increasing certain fees; creating the Public Access Data Systems Trust Fund; providing for deposit of certain moneys in the fund; specifying uses of such moneys; amending s. 265.283, F.S.; providing definitions; amending s. 265.285, F.S.; requiring a quorum for meetings and official action; providing for public comment on art grant applications; amending s. 265.608, F.S.; authorizing appointment of review panels to assist in awarding grants to science museums; providing membership terms and requirements; providing for per diem and travel expenses; providing for the establishment by rule of criteria for reviewing grant applications; amending s. 265.701, F.S.; providing for resubmission of certain cultural facilities projects in the following grant cycle; saving s. 265.285, F.S., from Sundown repeal; providing for future review and repeal; amending s. 265.286, F.S., redesignating the Vital Local Cultural Program as the Vital Local Cultural Organization Program; redesignating rulemaking authority from the Florida Arts Council to the Division of Cultural Affairs; providing for annual review of organizations; authorizing the appointment of review panels; providing for the designation of additional organizations; providing for submission of funding for organizations to the Legislature; providing for grant award agreements; amending s. 267.0617, F.S.; providing for transfer of certain moneys from the Corporations Trust Fund to the Historic Preservation Trust Fund; amending s. 265.2861, F.S.; providing for transfer of certain moneys from the Corporations Trust Fund to the State Major Cultural Institution Trust Fund; specifying uses of such moneys; specifying powers of the department; designating certain theaters as State Major Cultural Institutions and State Theater Programs; reenacting s. 501.131(4), F.S., for the purpose of incorporating the amendment to s. 15.09, F.S., in a reference thereto; providing for transition of authority to register fictitious names from the clerks of the circuit courts to the department; requiring certain notices; amending s. 265.32, F.S., relating to county fine arts councils; providing additional purposes of councils; revising provisions relating to membership of the council, terms of council members, and duties of the executive director; revising provisions relating to the Historic Pensacola, Tallahassee, Florida Keys, Palm Beach County, Tampa-Hillsborough

County, and Broward County Preservation Boards of Trustees; amending ss. 266.101, 266.110, 266.201, 266.301, 266.401, and 266.501, F.S.; providing certain administrative supervision by the Division of Historical Resources of the Department of State; modifying purposes; amending ss. 266.102, 266.111, 266.202, 266.302, 266.402, and 266.502, F.S.; providing definitions; amending ss. 266.103, 266.112, 266.203, 266.303, 266.403, and 266.503, F.S.; revising provisions relating to appointment of members of the boards and terms of office; providing for removal of members; amending s. 266.504, F.S.; conforming language; amending ss. 266.105, 266.114, 266.205, 266.305, 266.405, and 266.505, F.S.; providing for deposit of certain moneys into operating trust funds; creating ss. 266.1056, 266.1145, 266.2056, 266.3056, 266.4056, and 266.5056, F.S.; providing for audit by the Auditor General; amending ss. 266.106, 266.115, 266.206, 266.306, 266.406, and 266.506, F.S.; requiring the department to monitor program effectiveness and exercise certain oversight; authorizing employment of managers and other necessary employees; modifying powers of the boards; amending ss. 266.107, 266.117, 266.308, and 266.407, F.S.; correcting cross references; amending ss. 266.109, 266.118, 266.2095, 266.309, 266.411, and 266.508, F.S.; revising provisions relating to direct-support organizations; providing public records exemptions; providing for review and repeal; providing for liberal construction; deleting provisions relating to the Historic Volusia County and Flagler County Preservation Boards of Trustees; repealing s. 266.207, F.S., relating to powers of the governing body of the City of Key West and establishment of an architectural review board; repealing ss. 266.410 and 266.507, F.S., relating to direct control of certain boards by the Secretary of State; saving ss. 266.101, 266.102, 266.103, 266.104, 266.105, 266.106, 266.110, 266.111, 266.112, 266.113, 266.114, 266.115, 266.118, 266.201, 266.202, 266.203, 266.204, 266.205, 266.206, 266.2095, 266.301, 266.302, 266.303, 266.304, 266.305, 266.306, 266.309, 266.401, 266.402, 266.403, 266.404, 266.405, 266.406, 266.409, 266.411, 266.501, 266.502, 266.503, 266.504, 266.505, 266.506, and 266.508, F.S., from Sundown repeal; providing for future review and repeal; amending s. 214.23, F.S.; correcting a cross-reference; amending s. 253.03, F.S.; correcting a cross-reference; amending s. 424.10, F.S.; correcting a cross-reference; amending s. 607.0120, F.S.; permitting additional copies of documents to be filed; amending s. 607.0122, F.S.; correcting spelling; amending s. 607.0125, F.S.; permitting delivery of acknowledgments; amending s. 607.0126, F.S.; prescribing time within which appeal may be taken; renumbering and amending s. 607.0140, F.S.; correcting a cross-reference; amending s. 607.0202, F.S.; requiring articles of incorporation to contain certain addresses; requiring an acceptance; amending s. 607.0501, F.S.; authorizing certain corporations to be registered agents; providing certain free corporate information; correcting a cross-reference; amending s. 607.0504, F.S.; providing for certain notice; amending s. 607.0505, F.S.; correcting a cross-reference; adding definitions; amending s. 607.0603, F.S.; correcting a cross-reference; amending s. 607.0624, F.S.; prescribing conditions of stock rights and options; renumbering s. 607.0640, F.S.; amending s. 607.0721, F.S.; revising exceptions to voting entitlement of shares; amending s. 607.0727, F.S.; providing voting requirements in shareholder voting; amending s. 607.0731, F.S.; providing validity of shareholder agreements; renumbering ss. 607.0740, 607.0810, 607.0840, F.S.; amending s. 607.0834, F.S.; correcting a cross-reference; amending s. 607.1105, F.S.; prescribing requirements for execution of articles of merger or share exchange; amending s. 607.1202, F.S.; correcting a cross-reference; amending s. 607.1405, F.S.; permitting certain assumptions of corporate name; permitting appointment of a trustee; amending s. 607.1406, F.S.; correcting an obsolete term; amending s. 607.1420, F.S.; correcting an obsolete term; amending s. 607.1422, F.S.; requiring an additional signature on annual report; permitting immediate use of corporate name under certain conditions; amending s. 607.1433, F.S.; correcting cross-references; prescribing method for notice; renumbering s. 607.1440, F.S.; amending s. 607.1504, F.S.; prescribing additional requirements for application; amending s. 607.1506, F.S.; prescribing method of executing document; amending s. 607.1507, F.S.; prescribing limitations on registered agents of foreign corporations; amending s. 607.1508, F.S.; prescribing additional requirement for statement of change; amending s. 607.1509, F.S.; requiring submission of additional addresses; renumbering s. 607.1510, F.S.; amending s. 607.1531, F.S.; correcting cross-references; creating s. 607.15315, F.S.; providing for applications for reinstatement; providing procedure for reinstatement; amending s. 607.1622, F.S.; requiring additional address; permitting updated annual report to be part of official record; amending s. 607.1801, F.S.; correcting cross-references; deleting reference to an acknowledgment; amending s. 608.451, F.S.; correcting a cross-reference; amending s. 617.003, F.S.; correcting a cross-reference; amending s. 617.013, F.S.; correcting a cross-reference; amending s. 617.018, F.S.; correcting a cross-reference; amending s. 617.023, F.S.; correcting cross-

references; amending s. 617.028, F.S.; correcting cross-references; amending s. 617.041, F.S.; correcting a cross-reference; amending s. 620.192, F.S.; correcting cross-references; amending s. 621.13, F.S.; correcting a cross-reference; amending s. 628.530, F.S.; correcting a cross-reference; amending s. 631.0515; correcting a cross-reference; amending s. 658.23, F.S.; correcting a cross-reference; amending s. 658.48, F.S.; correcting a cross-reference; amending s. 663.03, F.S.; correcting a cross-reference; amending s. 665.0201, F.S.; correcting a cross-reference; deleting a cross-reference; amending s. 665.023, F.S.; correcting a cross-reference; providing definitions; amending s. 665.0311, F.S.; correcting a cross-reference; amending s. 719.1035, F.S.; correcting a cross-reference; repealing ss. 607.001, 607.004, 607.007, 607.011, 607.014, 607.017, 607.021, 607.024, 607.027, 607.031, 607.034, 607.037, 607.041, 607.044, 607.047, 607.051, 607.054, 607.057, 607.058, 607.061, 607.064, 607.067, 607.071, 607.074, 607.077, 607.081, 607.084, 607.087, 607.091, 607.094, 607.097, 607.101, 607.104, 607.107, 607.108, 607.109, 607.110, 607.111, 607.114, 607.117, 607.121, 607.124, 607.127, 607.131, 607.134, 607.137, 607.141, 607.144, 607.147, 607.151, 607.154, 607.157, 607.161, 607.164, 607.1645, 607.165, 607.167, 607.171, 607.174, 607.177, 607.181, 607.184, 607.187, 607.191, 607.194, 607.197, 607.201, 607.204, 607.207, 607.211, 607.214, 607.217, 607.219, 607.221, 607.224, 607.227, 607.231, 607.234, 607.237, 607.241, 607.244, 607.247, 607.251, 607.254, 607.257, 607.261, 607.264, 607.267, 607.271, 607.274, 607.277, 607.281, 607.284, 607.287, 607.291, 607.294, 607.297, 607.301, 607.304, 607.307, 607.311, 607.317, 607.321, 607.324, 607.325, 607.327, 607.337, 607.341, 607.344, 607.347, 607.351, 607.354, 607.355, 607.357, 607.361, 607.371, 607.372, 607.374, 607.377, 607.381, 607.384, 607.387, 607.391, 607.394, 607.397, 607.401, 607.404, 607.407, 607.411, and 607.414, F.S.; providing a short title; prescribing filing requirements for documents and forms; prescribing filing fees; providing for effective date of documents accepted for filing; providing procedures for correcting filed documents; prescribing powers and duties of the Department of State; providing for review of refusal by the department to file documents; prescribing evidentiary effect of copies of filed documents; providing for certificates of status; providing a penalty; providing definitions; providing requirements for notice under the act; providing procedures for incorporation; specifying content of articles of incorporation; prescribing liability for certain transactions; providing for organizational meetings of directors; providing requirements for bylaws; providing purposes of corporations organized under the act; prescribing powers of corporations; prescribing requirements for corporate names and for registered names of foreign corporations; requiring maintenance of registered offices and agents; providing for changes of such offices or agents; providing for service of process on a corporation; prohibiting payment of dividends or distribution of income; providing requirements for meetings of corporation members; prescribing duties of corporation boards of directors; providing qualifications for such directors; providing for certain terms of office, compensation, and removal of directors; providing for resignation by directors; providing requirements for meetings of boards of directors; authorizing boards of directors to act without a meeting; prescribing requirements for notice of meetings; providing quorum and voting requirements; providing for committees of a corporation; providing duties of corporation directors; providing for indemnification, liability, and immunity for officers, directors, employees, and agents of a corporation; providing requirements in case of certain conflicts of interest; prohibiting certain loans to directors, officers, and employees of a corporation; prohibiting certain activities by private foundations; providing for the election and duties of corporation officers; providing for their resignation and removal; prescribing contract rights of officers; providing requirements for the reincorporation of certain corporations; prescribing requirements for amendments to articles of incorporation; prescribing requirements for the merger of certain corporations; providing requirements for disposing of corporate property and assets; providing procedures for the dissolution of a corporation; providing procedures for revoking such dissolution; providing for distributing corporate assets; specifying grounds under which the department may administratively dissolve a corporation; prescribing the procedure for and the effect of such dissolution; providing for reinstatement of an administratively dissolved corporation and appeal from denial of such reinstatement; specifying grounds and procedure under which a circuit court may dissolve a corporation; providing for a court-appointed receiver or custodian of a corporation; providing for the deposit of the assets of a dissolved corporation with the Department of Banking and Finance; prescribing requirements for foreign corporations conducting affairs in the state; providing requirements for corporate names of foreign corporations; providing requirements for registered offices and agents of foreign corporations; providing for service of process on a foreign corporation; providing requirements for withdrawal of foreign corporations from the state; pro-

viding circumstances under which the Department of State may revoke the certificate of authority of foreign corporations; providing for reinstatement; providing for appeal of such revocation; providing requirements for corporation records; requiring certain reports; providing for application of the act; providing for deposit of funds; prohibiting the lack of legal organization as a defense to certain actions; providing for the effect of the repeal of prior acts; providing for application of the Florida Business Corporation Act; prohibiting the incorporation of certain corporations under the act; providing requirements for the incorporation of certain medical services corporations; prescribing proceedings to revoke articles of incorporation or charter; providing for property held by extinct churches and religious societies; providing for the dissolution of such churches or societies; providing for the incorporation of labor unions or bodies; authorizing the incorporation of sponge packing and marketing corporations; providing procedures under which corporations for profit may become corporations not for profit; authorizing corporations organized under this act to act as trustees under certain circumstances; repealing ss. 617.001-617.21, F.S., the Florida Not For Profit Corporation Act; providing effective dates.

—was referred to the Committees on Governmental Operations; Judiciary-Civil; and Finance, Taxation and Claims.

By the Committee on Higher Education and Representative Martin and others—

CS for HB 805—A bill to be entitled An act relating to education; creating s. 240.4085, F.S.; creating the Florida Student Tuition Scholarship Grant Fund; providing eligibility for receipt and renewal of scholarship grants; providing for applications and the distribution of awards; providing for the amount of awards; providing duties of postsecondary institutions and the Department of Education; providing restrictions on receipt of awards; creating a trust fund; amending ss. 240.404, 240.408, and 240.437, F.S.; conforming provisions; providing effective dates.

—was referred to the Committees on Education, Higher Education and Appropriations.

By the Committee on Education and Representative Friedman and others—

CS for HB 931—A bill to be entitled An act relating to education and related services; amending s. 229.551, F.S.; revising provisions relating to the development of minimum performance standards; amending s. 229.555, F.S.; authorizing certain school district reporting of data; amending s. 229.565, F.S.; conforming provisions; revising provisions relating to the statewide assessment testing program; providing State Board of Education duties; amending s. 230.2303, F.S., relating to the Florida First Start Program; providing conditions for parent resource centers; providing for model schools for coordinated children's services and requirements thereof; providing for funding and evaluation of such model schools; providing for review and repeal; creating s. 230.23115, F.S.; creating the Florida Innovations in Elementary Schools Program; specifying contents of school district or school plans and requiring plan approval; requiring reports; providing for technical assistance; authorizing waiver of rules and law; providing for funding; amending s. 230.2312, F.S.; renaming the Florida Primary Education Program as the Florida Progress in Elementary Education Program; revising provisions relating to intent, definitions, program procedures, promotion, staff development programs, funding, submission and approval of program plans, and class size reports; requiring evaluation and rules; providing for review and repeal; amending s. 230.2319, F.S., and repealing subsections (3), (4), and (6), to delete definitions and grades 4 and 5 from the Florida Progress in Middle Childhood Education Program; renaming the program as the Florida Progress in Middle Grades Education Program; amending s. 232.01, F.S.; revising provisions relating to admittance to first grade; amending s. 232.245, F.S.; conforming provisions relating to pupil progression programs; amending s. 233.34, F.S.; revising provisions relating to the use of funds to purchase instructional materials not on the state-adopted list; amending s. 236.013, F.S.; revising criteria for membership in certain programs; amending s. 236.081, F.S.; conforming basic programs in the Florida Education Finance Program; amending s. 237.34, F.S.; conforming provisions relating to program expenditure requirements; establishing the Council on Education and Economic Development; providing membership and duties; providing for repeal; amending s. 231.096, F.S.; revising provisions relating to assistance to teachers teaching out-of-field; amending s. 231.165, F.S.; revising provisions relating to prevention counselors; amending s. 231.17, F.S.; revising requirements for teacher certification; requiring demonstration of critical state

priorities; deleting requirements relating to teachers of vocational education; revising provisions relating to temporary certificates; providing requirements for a professional orientation program and deleting the beginning teacher program; providing for rules relating to initial certification; amending s. 231.172, F.S.; revising provisions relating to the alternate preparation program; creating s. 231.1725, F.S.; providing requirements for the employment of substitute teachers, teachers of adult education, and nondegreed teachers of vocational education; providing for review and repeal; providing for the processing of applications; requiring the filing of fingerprints; creating s. 231.173, F.S.; providing requirements for certification of out-of-state teachers; creating s. 231.174, F.S.; authorizing certain alternative teacher preparation programs; creating s. 230.23135, F.S.; creating the Florida Council on Student Services; providing for membership, terms, and duties; providing for review and repeal; amending s. 231.24, F.S.; providing an additional method and an additional requirement for renewal of certificates; defining the term "instructional position"; creating s. 231.247, F.S.; providing for critical state priorities; providing for documentation of training; providing for rules; providing for review and repeal; amending s. 231.603, F.S.; revising provisions relating to inservice programs in teacher education centers; amending s. 231.609, F.S.; revising provisions relating to the allocation of funds in teacher education centers; amending s. 231.613, F.S.; revising provisions relating to inservice training institutes; amending s. 231.62, F.S.; revising provisions relating to identification of critical teacher shortage areas; amending s. 236.081, F.S.; revising the inservice educational personnel training expenditure in the Florida Education Finance Program; amending s. 240.107, F.S.; revising requirements for minimum passing scores; amending s. 240.529, F.S.; revising provisions relating to approved teacher education programs; providing requirements for teacher preparation program approval and continued program approval; providing for reporting; providing requirements for preservice field experience; providing for standards of excellence; authorizing incorporation of certain standards and recommendations; providing for articulation agreements with community colleges; authorizing universities and community colleges to establish preteacher education and teacher education pilot programs; providing requirements; requiring reports; providing for rules; creating s. 240.5291, F.S.; establishing teaching profession enhancement grants; authorizing public and private colleges and universities to submit proposals to the Commissioner of Education; providing for review of proposals by an advisory committee; establishing eligibility for funding; requiring reports; providing for technical assistance; providing for rules and implementation; amending s. 228.041, F.S.; revising definition of the terms "habitual truant" and "dropout"; providing for rules; amending s. 230.2316, F.S., relating to dropout prevention; providing criteria for in-school suspension disciplinary programs; revising funding for in-school suspension programs; authorizing the establishment of certain summer inservice training programs; providing for dropout retrieval assistance programs; providing for additional information in dropout prevention program plans; encouraging the inclusion of provisions authorizing student participation in extracurricular activities in school district dropout prevention program plans; authorizing an exemption from eligibility requirements for participation; requiring the Department of Education to develop certain review measures; authorizing positive alternatives to out-of-school suspension grants; providing requirements; creating s. 230.23165, F.S.; creating the Florida Constructive Youth Act and providing purpose thereof; authorizing each district school board to provide a constructive youth program and providing requirements of such programs; requiring a comprehensive plan to include funding sources; providing for the awarding of funds; providing for minimum wages; requiring consistency with educational and labor standards; requiring school board application and specifying data to be submitted; specifying eligible projects; providing for interagency cooperation; providing an exemption from public records requirements for certain information in student records and juvenile justice records and providing for review and repeal of such exemption; creating an advisory board and providing purpose thereof; requiring a report; authorizing rulemaking; providing for review and repeal; amending s. 125.901, F.S.; providing for establishment of independent special districts with authority to levy ad valorem taxes for funding children's services; renaming the governing boards of such districts as councils; revising appointment procedure; revising powers and functions of councils; requiring certain recordkeeping; providing for per diem and traveling expenses; providing for audits; providing procedures and restrictions with respect to annual budgets, millage rates, and moneys collected; revising bond requirements; providing for dissolution of a district; providing for compliance with statutory requirements; authorizing the creation of dependent special districts and providing for funding through grants and donations; providing legislative intent for the

use of funds; providing for cooperative agreements; continuing existing governing boards and their members; amending s. 230.23, F.S.; providing for the development, adoption, and distribution of codes of student conduct for elementary schools and secondary schools; creating s. 230.71, F.S.; providing intent; authorizing intergenerational school volunteer programs in school districts and developmental research schools; requiring plans and specifying components thereof; providing for interagency coordination; creating a trust fund and providing for the awarding of grants; creating an advisory board and providing duties; providing for Department of Education technical assistance; providing for evaluation and rules; providing for review and repeal; amending s. 232.19, F.S.; conforming provisions; amending s. 232.2462, F.S.; requiring school districts to maintain a specified credit earning system; amending s. 232.2468, F.S.; revising definition of the term "graduation rate" and providing definition of the terms "habitual truancy rate" and "dropout rate"; providing reporting procedures; providing for interagency cooperation; providing an exemption from public records requirements for certain exchanged information and providing for review and repeal of the exemption; amending s. 232.26, F.S.; revising provisions relating to student suspension and expulsion under certain circumstances; amending s. 232.425, F.S.; authorizing an exemption from certain eligibility requirements for participation in interscholastic extracurricular activities for certain students; providing criteria; amending s. 236.1228, F.S.; revising provisions relating to statewide indicators for accountability program grants; requiring a comprehensive revision of Florida's system of school improvement and education responsibility; providing legislative intent; providing responsibilities of the system; requiring the State Board of Education to develop goals for certain educational achievements; requiring the Commissioner of Education to develop and implement certain plans; requiring the Department of Education to develop a training program; creating the Commission to Improve Schools and Simplify Education Reports within the Department of Education; providing membership and authorization for the commission to employ staff; allowing reimbursement of travel and per diem expenses; providing duties and responsibilities; providing for future abolition and legislative review of the commission; establishing a Historically Black College and University Library Improvement Trust Fund; requiring participating institutions to submit a plan; providing for the purchase of books; providing for committee assessment of certain current library holdings; providing for recommendations on new acquisitions; providing an appropriation; providing effective dates.

—was referred to the Committees on Education and Appropriations.

By the Committee on Commerce and Representative Bloom and others—

CS for HB 935—A bill to be entitled An act relating to cultural affairs; amending chapter 84-232, Laws of Florida, as amended by chapter 88-179, Laws of Florida; increasing duties of Florida's Columbus Hemispheric Commission; revising provisions relating to the membership of the commission; specifying duties of the direct-support organization; providing for an annual audit of the accounts and records of the direct-support organization; creating s. 320.08067, F.S.; providing for the design and issuance of a license plate stamped with the words "The Quincentennial State"; providing additional fees for such license plates; creating the Quincentennial Trust Fund within the Department of Commerce; requiring the Department of Highway Safety and Motor Vehicles to transfer proceeds derived from the sale of the license plate to the Quincentennial Trust Fund; providing for the authorization of the existing direct-support organization to organize and operate a state pavilion at the 1992 World's Fair to be held in Seville, Spain; providing for the deposit of proceeds derived from sales at the pavilion into the Quincentennial Trust Fund; providing appropriations; providing an effective date.

—was referred to the Committees on Commerce, Governmental Operations and Appropriations.

By the Committee on Health Care and Representatives Frankel and Gordon—

CS for HB 941—A bill to be entitled An act relating to the safety and health of children; requiring the Department of Health and Rehabilitative Services to develop a comprehensive program for improving the safety and health of children; specifying matters that the program must include; providing for implementation of the program; continuing the Committee on Child Safety as established by chapter 89-261, Laws of Florida; providing legislative intent; prescribing criteria for legislative review of proposals for regulation of lay midwives; requiring parties interested in changes in regulation to provide the Legislature with certain

information; requiring the Legislature to make certain determinations when making recommendations concerning changes in the regulation of lay midwifery; providing an effective date.

—was referred to the Committees on Health Care and Appropriations.

By the Committees on Appropriations; Finance and Taxation; and Environmental Regulation; and Representatives C. Smith and Hoffman—

CS for CS for CS for HB 943—A bill to be entitled An act relating to environmental protection and storage; providing applicability; providing definitions; providing powers and duties of the Department of Environmental Regulation; providing for annual registration of tanks; providing for fees; providing for rules; requiring a containment and integrity plan for each facility; providing for an inspection and maintenance program; requiring procedures and requirements to minimize risk of spills, releases, and discharges; providing for biennial review of plans; providing further requirements; providing for department audit; providing timeframes; providing alternative requirements; providing for application of s. 376.317, F.S.; providing an appropriation; amending s. 376.301, F.S.; redefining the term "petroleum storage system"; amending s. 376.3071, F.S.; revising provisions with respect to the Early Detection Incentive Program; providing for redetermination of eligibility; revising language with respect to reimbursement for cleanup expenses; providing legislative intent; providing for quarterly applications; amending s. 206.9935, F.S.; revising language with respect to the tax for inland protection; providing for increased levies under certain circumstances; amending s. 376.305, F.S.; providing for the establishment of the abandoned tank restoration program to facilitate the restoration of sites contaminated by abandoned petroleum storage systems under the restoration program of the Petroleum Liability Insurance and Restoration Program; providing appropriations; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation; Finance, Taxation and Claims; and Appropriations.

By Representative Brown and others—

HB 961—A bill to be entitled An act relating to social and economic assistance; amending s. 409.235, F.S.; specifying beginning date of financial assistance under aid to families with dependent children; amending s. 409.185, F.S.; providing methods of providing payments of aid to families with dependent children; providing for protective, vendor, or two-party payments; authorizing payments to a landlord under certain circumstances; specifying conditions; providing for a hearing; authorizing a pilot program; requiring a report; providing for Department of Health and Rehabilitative Services assistance to certain recipients in developing money-management skills; providing for review of vendor or two-party payments; amending s. 409.026, F.S.; providing for rules relating to ch. 409, F.S.; providing for a federal waiver; providing legislative intent; providing an effective date.

—was referred to the Committees on Health and Rehabilitative Services; and Appropriations.

By the Committee on Natural Resources and Representative Lawson and others—

CS for HB 1025—A bill to be entitled An act relating to hunting; creating s. 372.705, F.S.; prohibiting the interference with the lawful taking of fish, game, or nongame animals; providing penalties; amending s. 372.988, F.S.; requiring persons who are hunting to wear certain clothing; providing exemptions; providing an effective date.

—was referred to the Committee on Natural Resources and Conservation.

By the Committee on Judiciary and Representative Cosgrove—

CS for HB 1061—A bill to be entitled An act relating to county court; amending s. 34.01, F.S., increasing the amount in controversy over which the county court has jurisdiction; providing that the county court may hear or decide certain matters involving dissolution of marriage; providing that a county court may hear all matters in equity that are within jurisdictional amount; amending s. 34.041, F.S.; increasing filing fees for certain civil actions; requiring retention of certain fees as fee income of the office of the clerk of circuit court; amending s. 86.011, F.S.; authorizing county courts to render declaratory judgment; authorizing the chief judge of each judicial circuit to designate Rosh Hashana and Yom Kippur as legal holidays for the courts within the circuit; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

By the Committee on Judiciary and Representatives Cosgrove and Diaz-Balart—

CS for HB 1065—A bill to be entitled An act relating to guardianship; amending s. 28.241, F.S.; providing that counties may impose a fee on civil court filings to pay for the cost of public guardianship to be matched from county general funds; amending s. 394.467, F.S.; revising language with respect to the procedure for a hearing on involuntary placement to provide for a guardian advocate under certain circumstances; prohibiting certain persons from being appointed as a guardian advocate; amending s. 709.08, F.S.; providing that persons other than family members may be granted a durable power of attorney including health care decisions; providing for notification; amending s. 744.102, F.S.; revising the definition of "counsel for the alleged incapacitated person"; amending s. 744.202, F.S.; specifying venue when an incapacitated person is found outside the county of residence; amending s. 744.2025, F.S.; specifying venue for the change of residence of a ward; amending s. 744.309, F.S.; authorizing nonresident guardians under certain circumstances; amending s. 744.3135, F.S.; requiring the ward's estate to bear the expense of criminal and credit investigations of guardians; amending s. 744.3215, F.S.; eliminating voting and employment rights as rights which may be removed from an incapacitated person; creating s. 744.342, F.S.; providing that certain procedures do not apply to guardianships for minors; amending s. 744.365, F.S.; providing a small estate exemption from the fee for auditing the verified inventory; amending s. 744.367, F.S.; providing guardians with an election as to when to file the annual financial return; amending s. 744.3678, F.S.; providing for a graduated fee schedule for auditing the annual financial return; amending s. 744.368, F.S.; providing for a time period within which the clerks shall conduct an audit of the annual financial return; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

By the Committee on Commerce and Representatives Frankel and Burke—

CS for HB 1189—A bill to be entitled An act relating to the "Local Option Tourist Development Act"; amending s. 125.0104, F.S.; revising provisions which authorize the levy of an additional tax for the construction or renovation of a professional sports franchise facility, to provide that a limitation applicable to counties that are authorized to levy a convention development tax does not apply to the levy of said additional tax; amending s. 125.0104, F.S.; allowing certain charter counties to levy by ordinance a tax on the sale of food, beverages, or alcoholic beverages in hotels, motels, or other specified establishments; prescribing requirements for such levy; providing for the collection of the tax and the uses of the tax proceeds; providing for rulemaking; requiring certain records to be kept and made available to the public; providing penalties; providing an effective date.

—was referred to the Committees on Community Affairs; and Finance, Taxation and Claims.

By the Committee on Criminal Justice and Representative Canady—

CS for HB 1283—A bill to be entitled An act relating to bribery; creating s. 838.15, F.S.; establishing the offense of commercial bribe receiving, and providing felony penalties; creating s. 838.16, F.S.; establishing the offense of commercial bribery, and providing felony penalties; reenacting ss. 772.102(1)(a)24. and 895.02(1)(a)26., F.S., relating to retirement benefits, civil remedies for criminal practices, and the Florida R.I.C.O. Act, to incorporate the amendment to ch. 838, F.S., in references thereto; amending ss. 112.3173 and 121.091, F.S., to conform; providing an effective date.

—was referred to the Committees on Judiciary-Criminal and Appropriations.

By the Committees on Appropriations and Higher Education and Representatives Young and Reddick—

CS for CS for HB 1325—A bill to be entitled An act relating to postsecondary education; amending s. 240.115, F.S.; providing for the admission of a community college associate of arts graduate at a state university; amending ss. 240.209 and 240.2097, F.S.; providing duties of the Board of Regents relating to limited access programs; requiring reports; providing for the compilation and distribution of a systemwide counseling manual; amending s. 228.086, F.S.; providing that certain science museums may establish regional centers of excellence in mathemat-

ics, science, computers, and technology; revising provisions relating to the reporting and coordinating regions of the Department of Education in which centers shall be located; providing an effective date.

—was referred to the Committees on Higher Education and Appropriations.

By the Committee on Small Business and Economic Development; and Representatives Logan and Holzendorf—

CS for HB 1353—A bill to be entitled An act relating to small business assistance; amending s. 11.42, F.S., relating to the Auditor General; providing for an audit statement regarding agency compliance with minority procurement goals; creating s. 14.27, F.S.; creating a Business Permitting Liaison in the Executive Office of the Governor; amending s. 215.422, F.S.; specifying certain rights of vendors in state agency purchasing agreements; amending s. 255.05, F.S.; revising contractor bonding requirements; requiring specified annual reports; amending s. 287.017, F.S.; increasing the threshold amounts in certain purchasing categories; amending s. 287.042, F.S., relating to the powers, duties, and functions of the Division of Purchasing of the Department of General Services; providing definitions; providing clarifying language with respect to determining the base amount for assessing compliance with percentage requirements for procurement contracts by minority business enterprises; providing minority business enterprise requirements in multiple supplier contracts; providing certain reporting requirements with respect to minority business enterprises in state contracting; providing for the breaking of contracts into smaller units or multiple smaller contracts; requiring annual reports; amending s. 287.058, F.S.; adding a required provision to contractual services documents specifying contractor responsibility for payment of subcontractors and suppliers; amending s. 287.0585, F.S.; requiring contractor certification of progress payments to subcontractors and suppliers; amending s. 287.062, F.S.; providing additional encouragement for agency set-asides for minority business enterprises; providing for direct payment of minority business enterprises; requiring annual reports; creating s. 287.085, F.S.; providing for price preference to small businesses and Florida-based businesses in competitive bid proceedings under certain circumstances; amending s. 287.0943, F.S.; providing for acceptance of minority business enterprises as certified under specified circumstances; amending s. 288.063, F.S.; providing an exemption to certain fund transfer provisions in certain transportation project contracts; amending s. 288.707, F.S.; prohibiting appointment of certain persons to the Florida Black Business Investment Board; amending s. 337.17, F.S., relating to bid guaranty requirements in Department of Transportation construction contracts; requiring a study; providing an effective date.

—was referred to the Committees on Governmental Operations; Transportation; and Finance, Taxation and Claims.

By the Committee on Insurance and Representative Lewis and others—

CS for HB's 1789 and 687—A bill to be entitled An act relating to insurance; amending ss. 324.022, 324.051, 324.061, 324.071, 324.121, 324.131, 324.191, and 627.7275, F.S.; requiring personal injury protection liability motor vehicle insurance in a certain amount; amending s. 626.9541, F.S.; revising language with respect to unfair claim settlement practices as unfair methods of competition and unfair or deceptive acts to include additional actions which are considered unfair claim settlement practices; amending s. 627.613, F.S.; providing for the time of payment of health insurance benefits; providing when such benefits are overdue; providing for the payment of interest on overdue payments; amending s. 627.662, F.S.; providing that provisions with respect to overdue health insurance benefit payments also apply to group health insurance, blanket health insurance, and franchise health insurance policies; requiring that health insurance policies which provide benefits for certain therapeutic services also cover the services of persons licensed to practice massage; creating s. 634.4032, F.S.; providing definitions applicable to service warranty associations; amending s. 634.404, F.S.; providing alternative service warranty application requirements for certain retailers; amending s. 634.4085, F.S., exempting certain retailers from the allied lines insurer acquisition statute; amending s. 634.415, F.S.; providing alternative statement or report requirements for certain retailers; amending s. 634.430, F.S.; providing for dissolution of certain service warranty association retailers; creating s. 627.6693, F.S.; providing definitions; providing for issuance of small group basic health insurance policies excluding certain mandated coverage to employers with a specified number of employees or to groups of such employers; specifying required and

optional coverages under such policies; providing for coverage of spouses and dependent children of eligible employees without regard to whether the employee is covered; providing for review and repeal; providing an effective date.

—was referred to the Committee on Insurance.

By the Committee on Insurance and Representative Liberti—

CS for HB 1845—A bill to be entitled An act relating to insurers; amending s. 624.316, F.S.; providing for submission of requests for reduction in costs of examination; amending s. 625.172, F.S.; providing for replacement of assets; providing for suspension of a certificate of authority; amending s. 628.461, F.S.; providing exemptions from filing requirements; amending s. 628.4615, F.S.; narrowing applicability of provisions relating to acquisition of controlling stock in allied lines insurers; repealing s. 628.291(3), F.S., relating to notice of reciprocity; amending s. 631.251, F.S.; specifying conditions for offsets for reinsurance agreements in insurer liquidation proceeding; amending s. 631.281, F.S.; fixing a date for certain offsets in insurer liquidation proceedings; creating s. 624.4075, F.S.; specifying surplus as to policyholders requirements for certain applications to convert a license of a captive insurer to a certificate of authority of a domestic insurer to transact property and casualty insurance; reenacting ss. 48.151(3), 624.11(2), 631.051(7), 634.252, 634.3073, 634.4085, 637.153, 637.422, 638.052, 639.106, 641.125, 641.255, 641.416, 642.032(5), 651.024, and 651.105(1), F.S., relating to service of process on statutory agents, risk retention groups, rehabilitation of domestic insurers, motor vehicle service agreement companies, home warranty associations, service warranty associations, optometric service plans, dental service plans, ambulance service associations; preneed funeral contracts, health care service plans, health maintenance organizations, prepaid health clinics, legal expense insurance corporations, and continuing care facilities and contracts, to incorporate the amendments to ss. 624.316, 628.461, and 628.4615, F.S., in references thereto; repealing s. 45.061, F.S.; amending s. 316.066, F.S.; providing penalties for failing to file accident reports; amending s. 316.614, F.S.; providing that the failure to use a safety belt may not be considered in mitigation of damages, but may be considered as evidence of comparative negligence; amending s. 319.30, F.S.; exempting certain vehicles from prohibitions on dismantling, destruction, or change of identity of motor vehicle or mobile home; amending s. 320.02, F.S.; requiring specific information on proof-of-purchase cards; creating s. 322.0261, F.S.; requiring driver improvement courses in certain cases; amending s. 324.051, F.S.; eliminating exemptions to suspension of driver's license; amending s. 324.121, F.S.; providing exemptions to license suspension; amending s. 624.155, F.S.; clarifying legislative intent with respect to the issues of preemption of other remedies and with respect to the issue of the definition of damages; correcting a cross reference; providing legislative intent with respect to civil remedies; reenacting s. 624.488(1), F.S., relating to commercial self-insurance funds, to incorporate the amendment to s. 624.155, F.S., in a reference thereto; creating s. 624.3151, F.S.; requiring publication of insurer complaint ratios; amending s. 626.9541, F.S.; increasing the time period for surcharges; providing that it is not an unfair insurance trade practice to refuse to insure a person in certain circumstances; amending s. 627.0651, F.S.; revising provisions for making and use of rates for motor vehicle insurance; redesignating s. 627.331(4), F.S., as s. 627.0651(13), F.S.; providing for a pilot project treating all of a county meeting specified criteria as one rating territory; creating s. 627.0653, F.S.; requiring discounts for specified items; amending s. 627.7262, F.S.; revising provisions relating to joinder and nonjoinder of insurers; amending s. 627.727, F.S.; revising provision for rejection of uninsured motorist coverage; amending s. 627.736, F.S.; providing for binding arbitration in personal injury protection claims; creating s. 627.744, F.S.; prohibiting private passenger motor vehicle insurance policies providing physical damage coverage from being issued or renewed unless the insurer has inspected the vehicle; providing exceptions; specifying requirements for such inspections; providing for suspension of coverage in the event that an inspection is not effected timely; providing the Department of Insurance with rulemaking authority; amending s. 627.745, F.S.; providing for mediation of personal injury claims; amending s. 768.79, F.S.; providing certain procedures for offers of judgment; creating s. 817.236, F.S.; providing criminal penalties for submission of fraudulent motor vehicle insurance applications; requiring insurers to report the rate impact of the act to the Department of Insurance; providing Legislative intent as to House Bill 2961 and Senate Bill 1384; providing for review and repeal; amending s. 634.401, F.S., providing definitions applicable to service warranty associations; amending s. 634.404, F.S., providing alternative service warranty application requirements for certain manufacturers; amending s. 634.4085, F.S., exempting

certain manufacturer's from the allied lines insurer acquisition statute; amending s. 634.415, F.S., providing alternative statement or report requirements for certain service warranty association manufacturers; amending s. 634.430, F.S., providing for dissolution of certain service warranty association manufacturers; providing for review and repeal of the State Comprehensive Health Association; providing an effective date.

—was referred to the Committee on Insurance.

By the Committee on Small Business and Economic Development; and Representatives Rush and Stone—

CS for HB 1857—A bill to be entitled An act relating to retail grocers; creating the Convenience Store Security Act; providing findings; defining "convenience store"; providing applicability; requiring certain retail grocery stores to be equipped with specified security devices; requiring training programs; providing a fine for violations; providing for non-compliance fees; providing limited state preemption; authorizing the Attorney General to conduct a study and make a report; providing effective dates.

—was referred to the Committees on Commerce and Judiciary-Criminal.

By the Committee on Regulatory Reform and Representatives Morse and Simon—

CS for HB 2009—A bill to be entitled An act relating to professional regulation; creating a new pt. I of ch. 468, F.S., relating to speech-language pathology and audiology; providing legislative intent; providing exemptions; providing definitions; creating the Board of Speech-Language Pathology and Audiology within the Department of Professional Regulation; providing rulemaking authority; providing for fees; providing for deposit of fees and fines; providing requirements for a provisional license; providing for renewal; providing a professional employment experience requirement; providing for a licensure examination; specifying requirements for licensure as a speech-language pathologist or an audiologist; providing requirements for licensure by endorsement; providing for renewal; providing continuing education requirements; providing exceptions; providing for inactive status, reactivation, and expiration of licenses and certificates; specifying requirements for certification as a speech-language pathology assistant or an audiology assistant; providing minimal procedures and equipment in fitting and selling hearing aids; requiring certification of such equipment and testing facilities by the department; providing an exception; providing authority of the board; providing for inspections and investigations by the department; requiring an itemized listing of prices for hearing aids; providing requirements for receipts, packaging, disclaimers, and guarantees; providing conditions for cancellation and refund; prohibiting the sale or distribution of hearing aids through the mail; providing a penalty; requiring establishment of a place of business and display of license; providing prohibitions; providing a penalty; providing disciplinary proceedings and penalties; providing for the prosecution of criminal violations; saving certain pending proceedings; providing for participation of the board and the department therein; continuing certificates and registrations currently in effect under pt. I of ch. 468, F.S.; amending s. 20.30, F.S., to conform; amending s. 468.1695, F.S.; providing that the examination for licensure as a nursing home administrator shall be given at least four times a year; amending s. 468.1705, F.S.; modifying requirements for temporary licensure; amending s. 484.042, F.S.; deleting the audiologist member of the Board of Hearing Aid Specialists; modifying requirements for lay members; amending s. 484.047, F.S.; increasing licensure and renewal fees for hearing aid specialists; amending s. 484.059, F.S.; modifying the exemption from licensure as a hearing aid specialist for audiologists; providing for transfer of funds in the Speech-Language Pathology and Audiology Trust Fund; providing for the transfer of certain functions of the Department of Education to the department; repealing pt. I of ch. 468, F.S., the Speech-Language Pathology and Audiology Act; repealing s. 484.045(4), F.S., relating to licensure of audiologists to fit and dispense hearing aids; providing for review and repeal; rescheduling sunset review and repeal of part II of chapter 484, F.S.; relating to fitting and dispensing of hearing aids; providing an appropriation; amending ss. amending s. 458.347, F.S.; increasing the maximum certification renewal fee; requiring review of certain certification prior to renewal; specifying alternative certification requirements; providing an application fee; providing for review and repeal; providing an appropriation; providing an effective date.

—was referred to the Committees on Economic, Professional and Utility Regulation; Health Care; and Appropriations.

By the Committee on Natural Resources and Representatives Garcia and Graber—

CS for HB 2033—A bill to be entitled An act relating to saltwater fisheries; amending s. 370.06, F.S.; revising language with respect to restricted species endorsements; providing for verification of certain information by affidavit; amending s. 370.06, F.S.; providing for a marine life fishery endorsement on saltwater products licenses; providing a fee; providing for the disposition of the fee; naming the sport season for spiny lobster as the Bob Hector Sport Fishermen's Crawfish Season; amending s. 370.01, F.S.; revising the definition of the term "restricted species" for purposes of provisions relating to saltwater fisheries; amending s. 370.06, F.S.; revising criteria for the issuance of restricted species endorsement on a saltwater products license; specifying exceptions from such criteria for issuance of the endorsement; deleting a provision that any person holding a saltwater products license shall receive credit for the license fee against the Apalachicola Bay oyster harvesting license fee; providing that any person holding an Apalachicola Bay oyster harvesting license shall receive credit for the license fee against the saltwater products license fee; amending s. 370.153, F.S.; providing that fees paid for certain shrimp production licenses and permits shall be credited against the saltwater products license fee; providing a legislative declaration regarding the oyster surcharge enacted in chapter 89-175, Laws of Florida; re-enacting and amending section 370.07(3), Florida Statutes; deleting a cross-reference; amending s. 370.25, F.S.; requiring the Department of Natural Resources to establish criteria for the construction and management of certain artificial fishing reefs; prohibiting the use of certain materials; amending s. 370.021, F.S.; providing that moneys received for a publication of the department must be deposited into the fund from which the costs of publication were paid; providing an appropriation; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation; Finance, Taxation and Claims; and Appropriations.

By Representative Lippman and others—

HB 2045—A bill to be entitled An act relating to nursing homes; amending s. 400.23, F.S.; providing guidelines for a Medicaid reimbursement plan for nursing home care; providing an effective date.

—was referred to the Committees on Health Care and Appropriations.

By the Committee on Criminal Justice and Representative Troxler and others—

CS for HB 2237—A bill to be entitled An act relating to uniform traffic control; amending s. 316.193, F.S.; providing for the impoundment or immobilization of a vehicle operated by a driver under the influence in specified circumstances; providing an exception for leased or rented vehicles; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

By the Committee on Education and Representative Hawkins and others—

CS for HB 2307—A bill to be entitled An act relating to education; amending s. 228.301, F.S.; revising provisions relating to the security of tests administered to students, educators, and applicants for certification; prohibiting the violation of test security rules for the administration of certain tests by school districts; requiring certain persons and educational institutions to cooperate with the Commissioner of Education in investigations of violations of security rules for mandatory tests; amending s. 229.555, F.S.; requiring a school district to consider certain student achievement data within its continuing educational planning system; amending s. 229.565, F.S.; requiring the Commissioner of Education to adopt educational evaluation procedures to evaluate minimum and higher levels of student skills and competencies; requiring the commissioner to obtain recommendations of citizens, educators, and members of the business community in developing such procedures; amending s. 229.57, F.S.; revising the statewide student assessment testing programs to provide for a statewide assessment program adopted by the Commissioner of Education; requiring the commissioner to direct school districts to participate in National Assessment of Educational Progress or a similar program; providing for conducting such assessments; requiring the reporting of results of assessments; requiring the commissioner to develop a student achievement testing program to test students in the 4th, 7th, and 10th grades in reading, writing, and mathematics; requiring school districts to offer remedial instruction and to administer a high

school competency test developed by the State Board of Education to 10th grade students who fail the test administered pursuant to the program developed by the commissioner; requiring school districts and public schools to periodically assess student performance; requiring the commissioner to prepare annual reports of test results; requiring the State Board of Education to adopt rules to implement the program; amending s. 229.575, F.S., relating to reporting procedures; revising cross references to conform to the act; amending s. 232.245, F.S.; providing that each school district's program for pupil progression must be compatible with its remediation plan; amending s. 232.2454, F.S.; deleting provisions relating to uniform student performance standards and assessment procedures; requiring the State Board of Education to adopt rules to authorize each school district to develop assessments of student achievement; requiring school districts to annually report the results of student assessments to the state board; amending s. 232.246, F.S.; providing that students must pass the high school competency test in order to graduate from high school; exempting certain students from such requirement; amending s. 233.0641, F.S.; providing that tests administered to students pursuant to the free enterprise and consumer education program are administered as part of the statewide assessment program developed by the commissioner pursuant to this act; amending s. 236.088, F.S.; revising allocation and distribution of funds for the compensatory education program; creating subsections (6), (7), (8) of s. 240.107, F.S.; establishing a committee to consider waivers of the College-Level Academic Skills Test under certain conditions; authorizing the State Board of Education to establish fees for private postsecondary students to take the College-Level Academic Skills Test; authorizing the State Board of Education to establish fees and conditions for special administrators of the College-Level Academic Skills Test; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By the Committee on Ethics and Elections; and Representative Ostrau—

CS for HB 2403—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; providing responsibilities of the chief election officer; amending s. 97.021, F.S.; providing definitions; amending ss. 98.081, 98.101, 98.412, and 98.461, F.S.; providing that certain voter registration records may be retained on certain media, such media maintained in the custody of the supervisor of elections, and the original records destroyed pursuant to the schedule approved by the Department of State; amending s. 92.295, F.S.; relating to copies of voter registration records as evidence, to conform; amending s. 99.061, F.S.; revising the qualifying period for write-in candidates; revising the qualifying dates for federal candidates in certain years; amending s. 99.095, F.S.; revising provisions relating to qualifying for nomination by the alternative method; changing oath and petition filing dates; amending s. 99.0955, F.S.; revising the dates for certain independent candidates to submit petitions; amending s. 99.096, F.S.; revising the dates for minor party candidates to submit petitions; amending s. 99.097, F.S. revising provisions relating to petition verification; amending s. 100.111, F.S.; requiring the Department of State to set dates for qualifying by petition in special elections; providing for the required number of signatures; amending s. 100.141, F.S.; revising the notice for special elections, to conform; amending s. 100.361, F.S.; making municipal recall provisions applicable to all municipalities and charter counties; amending s. 101.015, F.S.; providing for provisional approval of electronic and electromechanical voting systems; amending s. 101.5614, F.S.; to conform; amending s. 101.6102, F.S.; providing that mail ballot elections may be used in special districts covering more than one county; removing the prohibition against the use of mail ballots for a referendum to approve the levy of taxes or the issuance of bonds; amending s. 101.64, F.S.; revising the voter's certificate on absentee ballots, to conform; amending s. 104.051, F.S.; providing a penalty for any supervisor of elections, deputy supervisor of elections, or elections employee who attempts to influence or interfere with an elector voting; amending s. 104.061, F.S.; relating to corruptly influencing voting; amending s. 105.035, F.S.; changing oath and petition filing dates for certain judicial officers qualifying by the alternative method; amending s. 106.011, F.S.; revising definitions; amending s. 106.021, F.S.; requiring candidates for certain offices to file the names and addresses of their campaign treasurers with the supervisor of elections in the county of their residence; changing terminology; creating s. 106.023, F.S.; requiring candidates to file an additional statement; amending s. 106.03, F.S.; eliminating a filing exemption; amending s. 106.04, F.S.; providing that a committee of continuous existence need not file a copy of its charter or bylaws with its annual report under certain conditions; reducing a penalty for incorrect, false, or incomplete reports; providing for promulgation

of rules on revocation of certification and on certain fine waivers; increasing the period to pay or appeal a fine for a late report; providing requirements for determining the number of late days for the purpose of assessing fines for late reports; requiring committees of continuous existence to file a copy of each campaign report with the Department of State; prohibiting separate fine from being assessed for failure to file copies; amending s. 106.05, F.S.; revising the name of a campaign account; amending s. 106.06, F.S.; conforming terminology; amending s. 106.07, F.S. modifying provisions relating to campaign reports; requiring certain candidates to file the original and a copy of each campaign finance report with the Department of State; prohibiting a separate fine from being assessed for failure to file copies; revising the dates on which campaign treasurers' reports are due; providing additional circumstances under which reports are required to be filed; eliminating a filing exemption; increasing the period to pay or appeal a fine for a late report; providing requirements for determining the number of late days for the purpose of assessing fines for late reports; providing for the promulgation of rules on certain fine waivers; amending s. 106.075, F.S.; requiring reports of certain loans to be made to the filing officer; amending s. 106.08, F.S.; providing an exemption to certain limitations on contributions; amending s. 106.141, F.S.; relating to disposition of surplus funds; providing for withdrawal of funds subject to a withdrawal penalty; requiring certain candidates to reimburse the state or local governmental entity for certain fees prior to disposal of surplus funds; amending s. 106.143, F.S.; providing requirements for certain political advertisements; exempting certain items from requirements relating to political advertisements; creating s. 106.1437, F.S.; providing requirements for certain advertisements; amending s. 106.18, F.S.; providing that no candidate shall be prevented from receiving a certificate of election for failure to file a copy of a report; amending s. 106.24, F.S.; establishing procedures for hearings before the Florida Elections Commission; providing for rules; amending s. 106.29, F.S.; requiring state executive committees of political parties to file the original and a copy of each campaign finance report with the Department of State; amending s. 106.33, F.S.; providing clarification regarding election campaign financing matching contributions from individuals; amending s. 106.34, F.S.; providing for adjustments to the expenditure limits for matching funds; amending s. 106.35, F.S.; providing a technical change; amending s. 166.031, F.S.; requiring each municipality by charter or ordinance to provide certain procedures relating to vacancies in office or on the ballot; amending s. 256.011, F.S.; authorizing a picture or representation of the flag of the United States to be displayed at polling places in lieu of the flag; providing a minimum size for a picture or representation thereof; requiring the supervisor of elections to provide the flag or the picture or representation thereof; amending s. 582.18, F.S.; relating to soil and water conservation districts, to conform; repealing s. 99.032, F.S.; relating to qualification of candidates for county commission; repealing s. 101.31, F.S.; relating to experimental use of voting systems; repealing s. 106.08(8), F.S.; relating to receipt of certain contributions; providing effective dates.

—was referred to the Committees on Ethics and Elections; and Appropriations.

By Representative Trammell—

HB 2413—A bill to be entitled An act relating to filing fees; amending s. 26.021, F.S.; providing residency requirements with respect to circuit judges in the second and eighth circuits; amending s. 28.241, F.S.; increasing surcharges for deposit into the Court Education Trust Fund; providing an effective date.

—was referred to the Committees on Judiciary-Civil; and Finance, Taxation and Claims.

By the Committees on Rules and Calendar; and Science Industry and Technology; and Representative Tobin—

CS for HB 2493—A bill to be entitled An act relating to the Florida Public Service Commission; amending s. 20.055, F.S.; excluding the commission from the requirement of employing a chief internal auditor; amending s. 110.205, F.S.; providing that the commission is not a department for purposes of the career service system; amending s. 186.005, F.S.; excluding the commission from the requirement of designating a planning officer; amending s. 255.257, F.S.; excluding the commission from the requirement of appointing an energy management coordinator; amending s. 350.001, F.S.; providing legislative intent; amending s. 350.01, F.S.; providing that commissioners currently in office may qualify for reappointment; providing a limitation on number of terms; providing for the referral of proceedings to the Division of Administrative Hearings

of the Department of Administration; requiring regulatory proceedings to be conducted in an independent and nonpartisan manner; applying the public records law and the open meetings law to such proceedings; amending s. 350.03, F.S.; providing powers of the Governor and Senate in suspension and removal of commissioners; amending s. 350.031, F.S.; requiring certain certification by appointees; providing for reimbursement for per diem and travel for applicants; amending s. 350.04, F.S.; providing qualifications of commissioners; creating s. 350.041, F.S.; providing standards of conduct for commissioners; providing requirements relating to performance of duties, avoidance of impropriety, engaging in certain activities, acceptance of gifts and compensation, financial reporting, and conflicts of interest; providing duties of the Commission on Ethics; creating s. 350.042, F.S.; providing requirements relating to ex parte communications; prohibiting certain communications; providing a reporting requirement; providing a penalty; providing duties of the Commission on Ethics; creating s. 350.043, F.S.; providing for enforcement and interpretation; providing duties of the Commission on Ethics; amending s. 350.05, F.S., relating to the oath of office, to conform; amending s. 350.06, F.S.; removing a limitation on compensation of official reporters; creating s. 350.0604, F.S.; requiring submission of annual reports; amending s. 350.0605, F.S.; clarifying restrictions on activities of former commissioners and employees; amending s. 350.0611, F.S.; conforming language; amending s. 350.111, F.S.; revising the definition of "regulated company"; amending s. 350.113, F.S.; removing obsolete language with respect to the Florida Public Service Regulatory Trust Fund; revising regulatory assessment fees; amending s. 350.115, F.S.; removing obsolete language; amending s. 350.117, F.S.; providing for audits of regulated companies; amending s. 350.121, F.S.; revising exemptions from public records requirements for certain information obtained by the commission in connection with an inquiry; providing requirements with respect to inquiries; providing a definition; providing for a time limit on confidentiality; creating s. 350.122, F.S.; providing for confidentiality of business material; amending s. 350.127, F.S.; increasing a penalty; providing for injunctions; amending s. 350.128, F.S.; providing for judicial review of commission actions; repealing s. 350.80, F.S., relating to regulation of coal slurry pipelines; providing for financial and program audits; providing for effectiveness of commission rules; providing that the commission is considered part of the legislative branch of government for budget and appropriation purposes; requiring the Office of Public Counsel to submit certain reports; providing an effective date.

—was referred to the Committees on Economic, Professional and Utility Regulation; Rules and Calendar; and Appropriations.

By the Committee on Criminal Justice and Representative Silver—

HB 2499—A bill to be entitled An act relating to weapons and firearms; amending s. 790.065, F.S.; specifying duties of the Department of Law Enforcement in conducting record checks of potential buyers or transferees of firearms; providing for nonapproval effective upon disposition of a criminal arrest or charge; expanding authority of the department to retain records; removing a limitation on the retention period; prohibiting a person from acquiring a firearm for the use of a person prohibited from possessing or receiving a firearm; providing penalties; exempting transactions related to official law enforcement purposes from provisions relating to sale or delivery of firearms; amending s. 790.06, F.S.; requiring concealed weapons licenses to contain color photographs of licensees; requiring submission of a specified color photograph with the application for such license; providing for expiration; amending ch. 89-191, Laws of Florida; specifying use of funds remaining after satisfying the purposes of an appropriation; providing an effective date.

—was referred to the Committees on Judiciary-Criminal; Finance, Taxation and Claims; and Appropriations.

By the Committee on Criminal Justice and Representative Silver and others—

HB 2509—A bill to be entitled An act relating to victims of crimes and youthful offenders; amending s. 39.12, F.S.; authorizing provision of the juvenile offense report by a law enforcement agency to the victim of the offense, without the name or address of the child unless such information is otherwise public; amending s. 39.408, F.S.; requiring that the parent or guardian and certain others receive notice of hearings in dependency cases; amending s. 415.508, F.S.; specifying when a guardian ad litem must be appointed in child abuse or neglect cases; specifying powers and duties of the guardian ad litem; amending s. 119.07, F.S.; providing confidentiality of specified information received by an agency receiving information from victims of crime; providing for future review

and repeal; amending s. 918.16, F.S.; providing that victim or witness advocates may be present when a person under age 16 testifies concerning a sex offense; amending s. 921.001, F.S.; expanding the Sentencing Commission; providing for appointment of a victim advocate member; amending s. 947.146, F.S.; providing for examination of victim impact statements by the Control Release Authority; amending s. 960.001, F.S.; prohibiting exclusion of a victim or victim's witness, guardian, advocate, family member, or other representative from any portion of a hearing or trial pertaining to the offense based on the fact that such person is subpoenaed to testify, except in certain circumstances; authorizing presence of a victim advocate during depositions of a victim; amending s. 960.03, F.S.; redefining "crime" for purposes of victims' rights and crimes compensation; amending s. 960.04, F.S.; revising eligibility for crimes compensation awards; amending s. 958.04, F.S.; providing for certain notification and consultation regarding basic training program placement and extending the time period for the sentencing court to notify the department; amending s. 960.13(5), F.S.; providing that restitution award shall not reduce crimes compensation award unless the victim will be unjustly enriched; providing an appropriation; reenacting s. 960.07(1), F.S., to incorporate the amendment to s. 960.04, F.S., in a reference thereto; amending ss. 947.04 and 947.06, F.S.; providing that parole commission shall meet in various counties; amending s. 901.35, F.S.; providing that an offender injured during commission of a crime or while fleeing apprehension shall pay for care, custody and victim restitution from any settlement received as a result of said injury; amending s. 944.512, F.S.; providing that court may place a lien on said settlement; providing effective dates.

—was referred to the Committees on Judiciary-Criminal and Appropriations.

By the Committees on Finance and Taxation; and Criminal Justice; and Representative Silver—

CS for HB 2511—A bill to be entitled An act relating to secondhand property; amending ss. 538.03 and 538.18, F.S., relating to secondhand dealers and secondary metals recyclers; revising definitions and applicability provisions; amending ss. 538.04 and 538.05, F.S.; clarifying law enforcement jurisdiction with respect to secondhand dealers' premises and records; repealing the requirement that thumbprints must be affixed to forms; amending s. 538.06, F.S.; changing the holding period to 15 calendar days; amending ss. 538.09 and 538.25, F.S.; revising registration provisions and fees with respect to secondhand dealers and secondary metals recyclers; amending s. 538.26, F.S.; authorizing purchase of regulated metals from a nonfixed location under specified conditions; providing an effective date.

—was referred to the Committees on Commerce; and Finance, Taxation and Claims.

By the Committee on Health and Rehabilitative Services—

CS for HB 2525—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; creating the Study Commission on Delivery of Health and Rehabilitative Services; providing membership and duties; providing for reporting; providing for contributions from the private sector; providing an appropriation; providing an effective date.

—was referred to the Committees on Health and Rehabilitative Services; Governmental Operations; Rules and Calendar; and Appropriations.

By Representatives Clark and Canady—

HB 2559—A bill to be entitled An act relating to aging and adult services; amending s. 410.402, F.S.; providing for funding for research in Alzheimer's disease and related memory disorders at a specified facility; providing an effective date.

—was referred to the Committees on Health and Rehabilitative Services; and Appropriations.

By Representatives Peebles and Sindler—

HB 2565—A bill to be entitled An act relating to the Florida Mobile Home Act; amending s. 723.002, F.S.; providing that restrictions on the disposal of mobile homes are applicable to certain persons; amending s. 723.002, F.S.; expanding the applicability of the Florida Mobile Home Act to include certain recreational-vehicle-type units; amending s. 723.003, F.S.; redefining the term "mobile home"; creating s. 320.91, F.S.;

prohibiting certain agreements between recreational vehicle park owners or developers and motor vehicle dealers or licensees; providing a penalty; providing an effective date.

—was referred to the Committees on Regulated Industries and Judiciary-Civil.

By the Committee on Small Business and Economic Development; and Representatives Logan and others—

CS for HB 2599—A bill to be entitled An act relating to manufacturers; amending s. 229.8053, F.S.; providing for creation of a not-for-profit corporation; providing powers and duties; providing for a program of training and assistance for small disadvantaged manufacturers; providing legislative intent; providing an effective date.

—was referred to the Committees on Community Affairs, Governmental Operations and Appropriations.

By Representative C. F. Jones—

HB 2621—A bill to be entitled An act relating to the City of Haines City; providing for the relief of William and Margaret Allen; Arlene Auer, as personal representative of the estate of Ray Auer; Mary Goodrich, as personal representative of the estate of John Guthrie; and Joan Nivens, as personal representative of the estate of Robert Nivens, to compensate them for personal injuries and deaths; providing appropriations; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committee on Finance, Taxation and Claims.

By the Committee on Natural Resources and Representative Flagg and others—

CS for HB 2753—A bill to be entitled An act relating to state lands; amending s. 253.781, F.S.; revising provisions relating to retention of state-owned lands along the former Cross Florida Barge Canal route; extending the application of such provisions to include lands and interests formerly acquired by the state or federal government for the Cross Florida Barge Canal; creating the Cross Florida Greenbelt State Recreation and Conservation Area; revising provisions relating to transfer by the Department of Natural Resources of certain lands for inclusion in the Ocala National Forest; deleting provisions which direct the department to grant certain easements for flooding to the Federal Government; directing the Governor and Cabinet to acquire lands along the canal route; amending s. 253.7829, F.S.; revising provisions relating to development of a management plan by the department for lands acquired for the canal; providing duties of the canal authority; providing requirements of the plan; providing for delineating the boundaries of the Cross Florida Greenbelt State Recreation and Conservation Area; authorizing the department to delegate the operation and maintenance of water control structures to other agencies; providing for implementation of the management plan; deleting provisions relating to disposition of surplus lands; amending s. 253.783, F.S.; revising powers and duties of the department relating to canal lands; providing for disposition of surplus lands; revising provisions relating to refunds to counties; providing for the advisory committee established by the department to report to the canal authority; revising the membership of the advisory committee; requiring counties to bear the costs of participating in such advisory committee; deleting the department's authorization to enter into certain agreements with the Federal Government; amending ss. 374.001 and 374.3001, F.S.; conforming cross references; specifying a time for transfer of the canal authority to the department; repealing s. 374.002, F.S., which authorizes the canal authority to contract with the department for development of management plans; providing for the state to hold the United States harmless from claims arising from the operation of lands transferred to the state; amending s. 12, ch. 79-167, Laws of Florida; deleting the repeal under said section of ss. 374.011, 374.021, 374.031, 374.041, and 374.132, F.S., which relate to the creation, powers, and duties of the canal authority, and repealing said sections on a specified date; providing effective dates.

—was referred to the Committees on Natural Resources and Conservation; and Appropriations.

By Representative Deutsch—

HB 2759—A bill to be entitled An act relating to bingo games; amending ss. 718.114, 723.079, and 849.093, F.S.; authorizing certain con-

dominium and mobile homeowners' associations to conduct bingo games; amending 849.092, F.S.; authorizing radio and television stations licensed by the Federal Communications Commission to give away prizes to persons selected by lot; providing an effective date.

—was referred to the Committees on Regulated Industries and Judiciary-Criminal.

By the Committee on Criminal Justice and Representative Safley and others—

CS for HB 2771—A bill to be entitled An act relating to controlled substances; amending s. 893.13, F.S.; providing for an additional assessment for specified violations, to be used by the statewide criminal analysis laboratory system; reenacting ss. 142.01 and 142.03, F.S., relating to county fine and forfeiture funds, to incorporate said amendment in references thereto; amending ss. 893.16 and 921.187(1)(k), F.S., relating to assessments for drug abuse programs and sentencing alternatives, to conform; amending s. 943.361, F.S.; providing for use and appropriation of funds collected by imposition of the additional assessment; amending s. 893.13, F.S.; providing that certain drug traffickers are ineligible for release under the Control Release Authority; prohibiting sale, purchase, manufacture, delivery, or possession with intent to sell, purchase, manufacture, or deliver any controlled substances within specified distances of colleges, universities, postsecondary educational institutions, public parks, or public housing facilities; providing penalties; providing an effective date.

(Substituted for CS for SB 1004 on the special order calendar this day.)

By Representative Clark and others—

HB 2787—A bill to be entitled An act relating to the adoption of black children; creating s. 409.1755, F.S.; creating the One Church, One Child of Florida Corporation Act; providing legislative intent; authorizing the establishment of the One Church, One Child of Florida Corporation; providing powers and duties with respect to programs to address problems associated with the adoption of black children; providing for annual reports to the Legislature; providing for a board of directors and staff; amending s. 63.022, F.S.; providing legislative intent to maintain sibling groups, whenever possible; amending s. 63.165, F.S.; providing duty to inform adoptive parents of the state registry of adoption information; providing an effective date.

—was referred to the Committees on Health and Rehabilitative Services; Governmental Operations; Judiciary-Civil; and Appropriations.

By the Committee on Science Industry and Technology; and Representative Reddick and others—

CS for HB 3019—A bill to be entitled An act relating to energy; amending s. 187.201, F.S.; providing policy in the state comprehensive plan with respect to renewable energy technologies and passive solar design techniques; amending s. 186.801, F.S.; requiring consideration of alternatives to electric utility site plans that increase the use of renewable resources; amending s. 196.175, F.S.; extending the property tax exemption for installation of renewable energy devices; amending s. 366.81, F.S.; requiring the Florida Public Service Commission, in reviewing utility energy efficiency and conservation plans, to consider certain economic effects of specified energy resources and systems; amending s. 366.82, F.S.; authorizing utility conservation plans to include reliance on solar and other renewable technologies; amending s. 163.04, F.S.; providing that deed restrictions or similar covenants or agreements may not prohibit energy devices based on renewable sources; amending s. 489.105, F.S.; defining "solar contractor"; providing that class A air conditioning contractors, class B air conditioning contractors, and mechanical contractors may install, replace, disconnect, or reconnect certain heating, ventilation, and air conditioning control wiring; defining "contracting"; amending s. 489.113, F.S.; authorizing solar contracting; creating s. 489.134, F.S.; specifying scope of licenses under part I and part II of ch. 489, F.S.; amending s. 489.503, F.S.; deleting certain exemptions from part II of ch. 489, F.S.; amending ss. 489.105, 489.505, F.S.; defining mediation; amending ss. 489.129, 489.533, F.S.; establishing a mediation process; creating s. 489.538, F.S.; specifying scope of licenses under part I and part II of ch. 489, F.S.; providing an effective date.

—was referred to the Committees on Community Affairs; Economic, Professional and Utility Regulation; and Appropriations.

By the Committee on Commerce and Representatives R. C. Johnson and Gutman—

CS for HB 3059—A bill to be entitled An act relating to persons who have disabilities; amending s. 318.21, F.S.; providing that a portion of the proceeds of fines imposed for violations of traffic regulations be deposited in the Transportation Disadvantaged Trust Fund and be used to provide transportation for handicapped persons; amending s. 400.021, F.S.; defining “transitional living facility”; creating s. 400.045, F.S.; requiring the Department of Health and Rehabilitative Services to develop rules for licensing certain facilities; amending s. 413.602, F.S., and repealing subsection (6), relating to definitions; removing the definition of “halfway house”; defining “transitional living facility”; amending s. 413.603, F.S.; providing for establishment of a plan for a system of treatment; creating s. 413.614, F.S.; requiring the department to develop rules for licensing certain facilities; providing program goals and requirements; creating s. 413.70, F.S.; creating the Limiting Disabilities Program; providing a purpose; creating s. 413.71, F.S.; providing definitions; creating s. 413.72, F.S.; providing for eligibility; creating s. 413.73, F.S.; providing duties and responsibilities of the Division of Vocational Rehabilitation of the Department of Labor and Employment Security; creating s. 413.731, F.S.; providing for funding; authorizing contracting; creating s. 413.74, F.S.; providing for referral and cooperation by other public agencies; amending s. 413.341, F.S.; providing for confidentiality of certain records; providing a penalty; amending s. 320.0848, F.S.; providing for issuance of exemption parking permits to qualified persons; specifying time limits on said permits; providing for certification by chiropractic physicians; specifying criteria for applicants eligible for permits; specifying the contents of the certificate of disability; providing for renewal of exemption permits; requiring the exemption permit to be a placard; specifying the contents of the temporary exemption permit; prohibiting the department from issuing more than 2 permits; specifying fees and disbursement; authorizing counties and municipalities to increase the required number of handicapped parking spaces; prohibiting false or misleading statements in the application or physician's certification; providing penalties; providing for rules; amending s. 318.30, F.S.; revising language with respect to legislative intent relating to civil traffic infraction hearing officers; amending s. 316.1967, F.S., requiring counties to provide the Department of Highway Safety and Motor Vehicles with lists of persons who have violated handicapped parking laws or ordinances; requiring the department to mark the vehicle registrations of such persons; amending s. 316.1956, F.S., making conforming changes; amending s. 316.1955, F.S., including reference to certain license plates for disabled parking; amending s. 316.1964, F.S., exempting certain permits from parking fees; amending s. 526.141, F.S., requiring full-service gasoline stations to dispense self-service gasoline to vehicles with certain permits; amending s. 316.008, F.S., correcting a cross reference; reenacting s. 316.1957, F.S., relating to parking violations, s. 316.1958, F.S., relating to out-of-state vehicles, s. 318.18, F.S., relating to amount of civil penalties, and s. 320.03, F.S., relating to registration, to incorporate the amendments to ss. 526.141, 320.0848, 316.1967, 316.1964, 316.1956, 316.1955, and 316.008, F.S., in references thereto; providing an appropriation; providing an effective date.

—was referred to the Committees on Commerce and Appropriations.

By the Committee on Corrections and Representative Morse and others—

CS for HB 3109—A bill to be entitled An act relating to the correctional system; creating the “Florida Community Corrections Act”; amending s. 951.26, F.S.; providing for additional duties for county correctional planning committees; creating s. 944.028, F.S.; providing for community corrections assistance grants to qualified counties; providing legislative intent; providing for eligibility of counties to apply for grants; authorizing the Department of Corrections to administer and award grants to counties; providing purposes for which grants may be used; providing for chargeback from grants to counties for certain state inmates; amending s. 944.026, F.S.; requiring the Department of Corrections to provide for a system of offender restitution and work centers; limiting the types of offenders which may be accepted for residence at such centers; providing for development and assessment of community-based programs at such centers by the county correctional planning committee; requiring participating counties to provide costs for such programs from community corrections assistance grants; providing for disbursements of court-ordered payments; providing minimum housing requirements at such centers; amending ss. 921.187, 948.03, and 958.04, F.S., relating to sentencing, terms of probation or community control, and youthful offenders, to conform; creating s. 921.221, F.S.; providing for an offender risk and needs

assessment performed by the Department of Corrections for certain defendants; specifying required contents of such assessments; providing for the renaming and use of existing centers; requiring a study by the Department of Corrections of county medical expenses for state prisoners; providing an effective date.

—was referred to the Committees on Corrections, Probation and Parole; Community Affairs; and Appropriations.

By the Committee on Small Business and Economic Development; and Representative Logan and others—

CS for HB 3129—A bill to be entitled An act relating to economic development; amending s. 159.445, F.S.; authorizing the Florida Seed Capital Fund to invest in limited partnerships meeting certain criteria; increasing the limitation on certain investments; deleting a restriction on making investments; providing that the Department of Commerce shall administer the Florida Seed Capital Fund; providing that the department may authorize a direct-support organization known as the Florida Enterprise Development Corporation; providing purpose of the organization; requiring a contract between the department and the direct-support organization and specifying contract requirements; requiring the organization to provide an annual financial and compliance audit; providing an exemption from public records requirements; providing for future review and repeal; authorizing the Department of Commerce to make an investment from the Florida Seed Capital Fund in specified limited partnerships; providing criteria for investments by the department in limited partnerships; creating s. 289.001, F.S.; creating the Florida Strategic Fund Act of 1990; creating s. 289.002, F.S.; describing the purposes of the act; amending s. 289.011, F.S.; providing definitions; amending s. 289.021, F.S.; providing for the incorporation of business and industrial development corporations; creating s. 289.022, F.S.; providing procedures and requirements for licensing of such corporations and for surrender of licenses; creating s. 289.023, F.S.; providing for investment in such corporations by the Florida Strategic Fund Board and providing requirements with respect thereto; creating s. 289.024, F.S.; providing special requirements relating to minority business and industrial development corporations; creating s. 289.025, F.S.; providing for fees; creating s. 289.026, F.S.; providing requirements for the transaction of business by business and industrial development corporations; providing requirements relating to budgets, investments, and extensions of credit; providing for application of penalties relating to usury; providing requirements relating to control of a business firm; prohibiting certain self-dealing; providing prohibitions relating to transactions involving affiliates; creating s. 289.027, F.S.; providing for the operations of such corporations; creating s. 289.028, F.S.; providing requirements relating to recordkeeping, audits, and reports; creating s. 289.029, F.S.; requiring an annual report; creating s. 289.032, F.S.; providing procedures and requirements for mergers, acquisitions, and consolidations; creating s. 289.033, F.S.; specifying unlawful activities and providing a penalty; amending s. 289.121, F.S.; requiring periodic examinations and reports of such corporations and providing requirements with respect thereto; creating s. 289.122, F.S.; creating the Florida Strategic Fund Board; requiring board members to file public disclosure of financial interests; creating s. 289.123, F.S.; providing powers of the board; creating s. 289.124, F.S.; providing for seed capital investments; creating s. 289.125, F.S.; providing for management and technical assistance by the board; providing for a private enterprise assistance account; providing for loans; creating s. 289.126, F.S.; creating a BIDCO Trust Fund; amending s. 289.151, F.S.; providing for dissolution of such corporations; amending s. 289.181, F.S.; providing for tax exemptions and credits; amending s. 289.191, F.S.; providing for occupational license taxes; amending s. 289.201, F.S.; providing for such corporations' fiscal year; amending ss. 220.183, F.S., relating to community contribution tax credits against the corporate income tax and insurance premium taxes; amending ss. 220.03 and 624.5105, F.S., relating to the community contribution tax credits against the corporate income tax and insurance premium tax; revising provisions relating to limitations on credits and carryover of credits; specifying that a taxpayer eligible for the insurance premium tax credit is not eligible for the corporate income tax credit; revising the definitions of eligible sponsors and areas; providing additional application requirements; requiring that projects be consistent with local government comprehensive plans; revising requirements for the approval of projects; providing that housing activities included in projects may include revolving loan programs; limiting administrative and operating expenses that may be considered part of a project; amending s. 20.17, F.S.; providing additional duties for the Motion Picture, Television, and Recording Industry Advisory Council; creating s. 288.045, F.S.; providing legislative findings and policy regarding the motion pic-

ture, television, video, and recording industries; requiring state agencies to review rules and procedures for negative impacts on these industries; prohibiting the imposition of certain fees or restrictions; removing the Florida Industrial Development Corporation as an "eligible sponsor"; amending s. 658.67, F.S.; providing for investments by banks in such corporations; repealing ss. 289.031, 289.041, 289.051, 289.061, 289.071, 289.081, 289.091, 289.101, 289.111, 289.131, 289.141, 289.161, and 289.171, F.S., relating to Florida Industrial Development Corporations and their powers, financial transactions, membership, and conduct of business; providing an effective date.

—was referred to the Committees on Commerce; Community Affairs; Finance, Taxation and Claims; and Appropriations.

By the Committee on Community Affairs and Representative Rehm—

CS for HB's 3303 and 3305—A bill to be entitled An act relating to Pinellas County; repealing chapter 70-907, Laws of Florida, as amended, and requiring the review of the Pinellas Suncoast Transit Authority; providing for periodic review if continued or reestablished; providing elements of review; providing an effective date.

—was referred to the Committees on Governmental Operations; Transportation; and Rules and Calendar.

By the Committee on Ethics and Elections; and Representative Ostrau and others—

HJR 3515—A joint resolution proposing an amendment to Section 4 of Article III and the creation of Section 13 of Article IV, and Section 7 of Article VI of the State Constitution, relating to public officers, legislators, and members of the executive branch.

—was referred to the Committee on Rules and Calendar.

By the Committee on Governmental Operations and Representative Martin—

HB 3629—A bill to be entitled An act relating to pregnancy termination reports; amending s. 390.002, F.S.; saving the exemption from public records requirements for such records from repeal and revising said exemption; providing for future review and repeal; providing a penalty; providing an effective date.

—was referred to the Committee on Health Care.

By the Committees on Finance and Taxation; and Emergency Preparedness, Military and Veterans Affairs; and Representative Reddick and others—

CS for HB 3633 and CS for HB 2995—A bill to be entitled An act relating to parking for persons with disabilities; amending s. 413.20, F.S.; revising definitions; creating s. 413.614, F.S.; creating the "Florida Endowment for Vocational Rehabilitation Act"; providing definitions and legislative intent; establishing the Florida Endowment Foundation for Vocational Rehabilitation as a direct-support organization of the Division of Vocational Rehabilitation in accordance with rules of the division; providing requirements of a direct-support organization contract between the foundation and the division; providing for funding from public and private sources, including an additional penalty on noncriminal moving traffic violations, and providing for investment of endowment principal funds by the State Board of Administration; providing for the organization, powers, and duties of the foundation; providing for audit; providing for membership and powers and duties of the board of directors, including establishment of an operating account; providing for uses of the operating account and distribution of endowment earnings; providing for the confidentiality of certain records; providing for future review and repeal; providing for an annual report; providing rulemaking authority; amending s. 318.18, F.S.; providing an additional monetary penalty for certain moving traffic violations and providing for allocation thereof; amending s. 318.30, F.S.; revising legislative intent with respect to the Civil Traffic Infraction Hearing Officer Program; amending s. 320.0848, F.S.; providing for issuance of exemption parking permits to qualified persons; specifying time limits on said permits; providing for certification by chiropractic physicians; specifying criteria for applicants eligible for permits; specifying the contents of the certificate of disability; providing for renewal of exemption permits; requiring the exemption permit to be a placard; specifying the contents of the temporary exemption permit; prohibiting the department from issuing more than 2 permits; specifying fees and disbursement; authorizing counties and municipalities to increase the required number of handicapped parking spaces; prohibiting false or

misleading statements in the application or physician's certification; providing penalties; providing for rules; amending s. 316.1967, F.S., requiring counties to provide the Department of Highway Safety and Motor Vehicles with lists of persons who have violated handicapped parking laws or ordinances; requiring the department to mark the vehicle registrations of such persons; amending s. 316.1956, F.S., making conforming changes; amending s. 316.1955, F.S., including reference to certain license plates for disabled parking; amending s. 316.1964, F.S., exempting certain permits from parking fees; amending s. 526.141, F.S., requiring full-service gasoline stations to dispense self-service gasoline to vehicles with certain permits; amending s. 316.008, F.S., correcting a cross reference; reenacting s. 316.1957, F.S., relating to parking violations, s. 316.1958, F.S., relating to out-of-state vehicles, s. 318.18, F.S., relating to amount of civil penalties, and s. 320.03, F.S., relating to registration, to incorporate the amendments to ss. 526.141, 320.0848, 316.1967, 316.1964, 316.1956, 316.1955, and 316.008, F.S., in references thereto; providing an effective date.

—was referred to the Committees on Transportation; and Finance, Taxation and Claims.

By the Committee on Corrections and Representative Jamerson and others—

HB 3711—A bill to be entitled An act relating to the correctional system; amending s. 110.205, F.S.; providing for salaries of employees of the Correctional Education School Authority to be subject to approval by the State Board of Education; amending s. 242.68, F.S.; specifying the authority of certain members of the Board of Correctional Education; providing additional responsibilities of the board; requiring the Director of Correctional Education to administer a compensation and classification plan for correctional educators; requiring the Department of Education to review such compensation and classification plan and report to the Legislature; deleting obsolete provisions; creating the "Florida Community Corrections Act"; amending s. 951.26, F.S.; providing for additional duties for county correctional planning committees; creating s. 944.028, F.S.; providing for community corrections assistance grants to qualified counties; providing legislative intent; providing for eligibility of counties to apply for grants; authorizing the Department of Corrections to administer and award grants to counties; providing purposes for which grants may be used; providing for chargeback from grants to counties for certain state inmates; amending s. 944.026, F.S.; requiring the Department of Corrections to provide for a system of offender restitution and work centers; limiting the types of offenders which may be accepted for residence at such centers; providing for development and assessment of community-based programs at such centers by the county correctional planning committee; requiring participating counties to provide costs for such programs from community corrections assistance grants; providing for disbursements of court-ordered payments; providing minimum housing requirements at such centers; amending s. 921.187, 948.03, and 958.04, F.S., relating to sentencing, terms of probation or community control, and youthful offenders, to conform; creating s. 921.221, F.S.; providing for an offender risk and needs assessment performed by the Department of Corrections for certain defendants; specifying required contents of such assessments; providing for the renaming and use of existing centers; requiring a study by the Department of Corrections of medical expenses of state prisoners; amending s. 945.30, F.S.; authorizing the department to charge offenders for the use of electronic monitoring devices and specifying cost of supervision fee; amending s. 946.40, F.S.; revising provisions relating to use of cost of supervision fee; amending s. 948.01, F.S.; excluding private probation services from supervising felons; requiring misdemeanor probation services to contract with the Department of Corrections; eliminating certain restriction relating to electronic monitoring devices; amending s. 947.01, F.S., increasing the membership of the Parole Commission; amending s. 947.03, F.S., relating to term of office of the Parole Commission; amending s. 947.1405, F.S., relating to the conditional release program and the authority of a panel of no fewer than two parole commissioners, with respect thereto; requiring random substance abuse testing; amending s. 947.146, F.S., relating to the Control Release Authority and the eligibility of inmates for a control release date; mandating that the Department of Corrections contract for inmate support services; requiring random substance abuse testing; amending s. 947.22, F.S.; authorizing an individual parole commissioner to release a parolee under certain circumstances; amending s. 944.277, F.S., relating to eligibility for provisional credits; mandating the Department of Corrections contract for inmate support services; requiring random substance abuse testing; amending s. 947.18, F.S., relating to conditions of parole, s. 948.01, F.S., relating to placement in a community control pro-

gram, s. 948.03, F.S., relating to terms and conditions of probation or community control, and s. 948.10, F.S., relating to individualized programs, to require random substance abuse testing; amending s. 119.07, F.S.; providing an exemption from the public records law for certain information given by a victim to the Control Release Authority; amending ss. 16 and 17 of chapter 89-531, Laws of Florida; extending the sunset date of the Parole Commission; amending s. 947.04, F.S.; providing for commission meetings; amending s. 947.06, F.S.; providing that the Parole Commission conduct meetings in counties throughout the state; amending s. 944.09, F.S.; requiring the Department of Corrections to adopt rules to require inmates to pay postage costs for certain types of mail they send, under certain circumstances; amending s. 944.516, F.S.; authorizing the department to use moneys from an inmate's trust account to pay such postage costs, under certain circumstances; providing an effective date.

—was referred to the Committees on Education; Corrections, Probation and Parole; and Appropriations.

By the Committee on Regulatory Reform and Representative Morse—

HB 3733—A bill to be entitled An act relating to clinical, counseling, psychotherapy, and psychological services; amending s. 455.241, F.S.; requiring clinical, counseling, and psychotherapy practitioners to provide copies of reports to patients on request; amending s. 455.26, F.S.; modifying the composition of the Impaired Practitioners Committee; amending s. 490.012, F.S., and creating s. 491.0149, F.S.; requiring display of title and license number in advertisements; making ch. 490, F.S., a practice act; amending ss. 490.014 and 491.014, F.S.; providing exemptions from application of chs. 490 and 491, F.S.; creating s. 490.0144, F.S.; providing continuing education requirements for alcohol or substance abuse therapists; providing for rules of the Board of Psychological Examiners; creating s. 491.0144, F.S.; providing continuing education requirements for alcohol or substance abuse therapists; providing for rules of the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling; amending s. 491.003, F.S.; defining "clinical social work experience" and "psychotherapist"; amending s. 491.005, F.S.; revising requirements for licensure of clinical, counseling, and psychotherapy practitioners by examination; providing for reexamination of certain practitioners; amending s. 491.006, F.S.; revising requirements for licensure by endorsement; amending 491.008, F.S.; providing procedures for placement of licensees in voluntary or involuntary inactive status; amending s. 491.009, F.S.; prescribing procedures in certain disciplinary proceedings; creating s. 491.0095, F.S.; providing for treatment programs for impaired practitioners; amending s. 491.012, F.S.; providing violations of ch. 491, F.S.; providing a penalty; providing for injunction; creating s. 491.0148, F.S.; requiring certain recordkeeping; providing for rules; amending s. 491.015, F.S.; revising rulemaking authority of the Department of Professional Regulation; providing for rules relating to certified master social workers; amending s. 491.035, F.S.; deleting obsolete language; providing for future repeal of ss. 490.014(2)(a) and 491.014(4)(a), F.S., relating to exemption from application of chs. 490 and 491, F.S., for employees of certain agencies, facilities, or institutions; saving ch. 491, F.S., from Sunset repeal; providing for future review and repeal; providing an effective date.

(Substituted for CS for SB 788 on the special order calendar this day.)

By the Committees on Appropriations and Regulatory Reform and Representative Morse—

CS for HB 3741—A bill to be entitled An act relating to elections; amending ss. 106.04, 106.07, and 106.29, F.S.; requiring certain candidates and committees to file the original and a copy of each campaign finance report with the Department of State; prohibiting a separate fine from being assessed for failure to file copies; amending s. 106.18, F.S.; providing that no candidate shall be prevented from receiving a certificate of election for failure to file a copy of a report; amending s. 106.04, F.S.; clarifying that committees of continuous existence may contribute to political parties; amending s. 106.24, F.S.; providing that the Florida Elections Commission shall not be subject to control by the Department of State; limiting the number of terms members may serve; providing for meetings; providing for administrative support by the Division of Elections and for employment of staff; providing for development of a budget request; amending ss. 106.25 and 106.26, F.S.; providing powers of the division to investigate violations of chapter 106 with or without sworn complaint; providing for preliminary investigations and for procedures if probable cause or no probable cause is found; providing that dismissal of a case by the division may be appealed to the commission; amending s. 106.265, F.S., which authorizes the commission to impose civil penalties upon vio-

lators and bring actions to enforce such penalties, to include political parties; amending s. 106.27, F.S., which authorizes the commission to bring civil actions for relief, to include committees of continuous existence and political parties; repealing s. 106.08(8), F.S., which prohibits candidates for legislative or statewide office from accepting or soliciting campaign contributions during legislative sessions; repealing s. 106.22(9), F.S., which directs the Division of Elections to provide staffing and facilities for the commission; providing an appropriation; saving ss. 106.24, 106.25, 106.26, 106.265, 106.27, 106.28, and 106.29, F.S., from Sunset repeal; providing for future review and repeal; providing an effective date.

—was referred to the Committees on Ethics and Elections; Rules and Calendar; and Appropriations.

By the Committee on Corrections and Representative Healey and others—

HB 3789—A bill to be entitled An act relating to probation services; amending s. 945.30, F.S.; authorizing the department to charge offenders for the use of electronic monitoring devices and specifying cost of supervision fee; amending s. 946.40, F.S.; revising provisions relating to use of cost of supervision fee; amending s. 948.01, F.S.; excluding private probation services from supervising felons; requiring misdemeanor probation services to contract with the Department of Corrections; eliminating certain restriction relating to electronic monitoring devices; amending ss. 944.09 and 947.175, F.S.; requiring that all terms, conditions, and restrictions imposed upon the release under supervision of offenders, parolees, and probationers be monitored and complied with; providing an effective date.

—was referred to the Committees on Corrections, Probation and Parole; and Appropriations.

By the Committee on Strategic Budget Planning and Representative Gordon—

HB 3805—A bill to be entitled An act relating to the State Comprehensive Plan; providing findings and intent; creating the State Comprehensive Plan Revision Commission; providing for membership, staffing, and expenses; providing for meetings; authorizing the commission to create advisory panels; requiring cooperation by state agencies; requiring public hearings; specifying content of the review of the State Comprehensive Plan; requiring recommendations and a report to the Legislature; providing for expiration; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation; Governmental Operations; Rules and Calendar; and Appropriations.

By the Committee on Regulated Industries and Representative Guber and others—

HB 3821—A bill to be entitled An act relating to public lodging and public food service establishments; creating s. 509.001, F.S.; creating the "Public Lodging Establishments and Public Food Service Establishments Act"; amending s. 509.013, F.S.; providing definitions; amending s. 509.032, F.S.; revising language with respect to the duties of the Division of Hotels and Restaurants of the Department of Business Regulation; providing for the administration of temporary food service events; amending s. 509.034, F.S., relating to the application of the act; creating s. 509.035, F.S.; providing for public health safety emergency closure of licensed establishments; creating s. 509.036, F.S.; providing for public food service inspector standardization; amending s. 509.072, F.S., relating to the Hotel and Restaurant Trust Fund; amending s. 509.091, F.S.; providing reference to a contractual designee of the division with respect to the form and service of notices; amending s. 509.092, F.S., relating to public lodging establishments and public food service establishments as private enterprises; amending s. 509.101, F.S.; revising language with respect to the required maintenance of a guest register; amending s. 509.111, F.S.; increasing amounts with respect to liability for the property of guests; amending s. 509.141, F.S.; including illegal possession or dealing in controlled substances among reasons for removal from an establishment governed by the act; amending s. 509.142, F.S.; providing for refusal of service for illegal possession or dealing in controlled substances; amending s. 509.143, F.S.; revising language with respect to disorderly conduct, detention, and arrest in public lodging establishments; amending s. 509.151, F.S.; increasing amounts with respect to penalties for obtaining food or lodging with intent to defraud; amending s. 509.162, F.S.; providing for the detention and arrest of a person committing theft at a public lodging or public food service establishment; amending s. 509.191, F.S.; revising language with respect to unclaimed property;

amending s. 509.201, F.S.; revising language with respect to the posting of room rates; amending s. 509.2015, F.S.; revising language with respect to telephone surcharges by public lodging establishments; prohibiting the imposition of a telephone surcharge if the connection between the parties is not completed; amending s. 509.211, F.S.; revising language with respect to safety regulations; amending s. 509.214, F.S.; providing for notification of automatic service and gratuity charges on the food menu and on the face of the bill; amending s. 509.215, F.S.; revising language with respect to firesafety; amending s. 509.221, F.S.; revising language with respect to sanitary regulations; amending s. 509.232, F.S.; providing that school carnivals and fairs shall notify the local health authority of a temporary food service event; amending s. 509.241, F.S.; revising language with respect to required licenses; eliminating exceptions; amending s. 509.242, F.S.; revising language with respect to the classification of public lodging establishments; creating s. 509.243, F.S.; providing for classifications of public food service establishments; amending s. 509.251, F.S.; revising language with respect to license fees; amending s. 509.261, F.S.; revising language with respect to the revocation or suspension of licenses, fines, and procedures; amending s. 509.281, F.S., relating to prosecution for violations; creating s. 509.285, F.S.; providing for enforcement and directing city and county officers to assist; amending s. 509.291, F.S.; increasing the membership of the advisory council; revising language with respect to meetings; amending s. 509.292, F.S.; revising language with respect to misrepresenting a food or a food product; amending s. 509.302, F.S.; revising language with respect to certain qualifications of the director of education for the lodging and food service industry; revising language with respect to the Hospitality Education Program; providing for a fee increase; amending s. 509.401, F.S., relating to the operator's right to lockout; amending s. 509.402, F.S., relating to the operator's right to recover the premises; amending s. 509.403, F.S., relating to the operator's writ of distress; amending s. 509.404, F.S., relating to the venue and jurisdiction of the writ of distress; amending s. 509.405, F.S., relating to the requirements of the complaint; amending s. 509.406, F.S., relating to a prejudgment writ of distress; amending s. 509.407, F.S., relating to the levy of the writ of distress; amending s. 509.409, F.S., relating to the required inventory; amending s. 509.411, F.S., relating to exemptions from a writ of distress; amending s. 509.412, F.S., relating to claims by third persons; amending s. 509.413, F.S., relating to judgment for the plaintiff when goods not delivered to defendant; amending s. 509.414, F.S., relating to judgment for plaintiff when goods retained by or redelivered to the defendant; amending s. 509.415, F.S., relating to judgment for defendant when goods are retained by or redelivered to the defendant; amending s. 509.416, F.S., relating to judgment for defendant when goods not retained by or redelivered to the defendant; amending s. 509.417, F.S., relating to the sale of property distrained; repealing s. 509.303, F.S., relating to enforcement of firesafety regulations; repealing s. 509.410, F.S., relating to execution on property changing possession with respect to a writ of distress; amending s. 20.19, F.S.; creating an Office of Restaurant Program; creating s. 721.24, F.S.; providing for firesafety with respect to time-share plans; directing the Division of Hotels and Restaurants of the Department of Business Regulation to make certain rules; reviving and readopting part I of chapter 509, F.S. providing an appropriation, and providing for future review and repeal; providing effective dates.

—was referred to the Committees on Regulated Industries; Finance, Taxation and Claims; and Appropriations.

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 60, SB 168, CS for SB 218, CS for SB 534, CS for SB 890, CS for SB 1564, CS for SB 1882, CS for SB 1898, CS for SB 1918, SB 2554 and CS for SB 2746.

John B. Phelps, Clerk

The bills contained in the foregoing messages were ordered enrolled.

SPECIAL ORDER

Consideration of SB 2506, CS for SB 2272 and SB 2496 was deferred.

CS for HB 55—A bill to be entitled An act relating to road designations; designating a portion of State Road 464 in Ocala as the Angela Simone Santos Memorial Highway; designating a portion of U.S. Highway 27, U.S. Highway 301, and U.S. Highway 441 in Ocala as the William Hamilton Rutherford Memorial Highway; designating the bridge over the Suwanee River on U.S. Highway 27 at Branford as the Jay W. Brown

Bridge; co-designating a portion of Southwest 8th Street in Miami as the Loring P. Evans Memorial Boulevard; designating the roadside park where Interstate Highway 10 crosses the Apalachicola River in Chattahoochee the Edgar Warren Scarborough Park; designating a portion of Northwest 7th Avenue in Miami as Manny Anon Memorial Boulevard; providing for erection of markers; designating the newly constructed bridge upon which U.S. Highway 331 spans the Choctawhatchee Bay as the "Clyde B. Wells Bridge"; designating a portion of East Flagler Street as Natan R. Rok Boulevard; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was read the second time by title.

Senator Stuart moved the following amendment which failed:

Amendment 1—On page 6, between lines 9 and 10, insert:

Section 17. *That portion of U.S. Highway 27 in Ocala, consisting of approximately 2.2 miles from Martin Luther King Boulevard West to Interstate 75 is hereby designated as the Reverend Frank George Pinkston, Sr., Memorial Highway*

Section 18. *The Department of Transportation is directed to erect appropriate markers designating the Reverend Frank George Pinkston, Sr., Memorial Highway*

Section 19. *That portion of U.S. Highway 441, consisting of approximately 23 miles from the Lake County line to the junction with U.S. 17 and U.S. 92 is hereby designated as the Edward Daniel Davis, Sr., Memorial Highway.*

Section 20. *The Department of Transportation is directed to erect appropriate markers designating the Edward Daniel Davis, Sr., Memorial Highway.*

(Renumber subsequent section.)

On motion by Senator Langley, by two-thirds vote CS for HB 55 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Deratany	Johnson	Plummer
Bankhead	Diaz-Balart	Kirkpatrick	Souto
Beard	Dudley	Kiser	Stuart
Brown	Forman	Langley	Thomas
Bruner	Gardner	Malchon	Thurman
Casas	Girardeau	Margolis	Walker
Childers, D.	Gordon	McPherson	Weinstein
Crenshaw	Grant	Meek	Weinstock
Davis	Grizzle	Myers	Woodson-Howard

Nays—None

Vote after roll call:

Yea—W. D. Childers

SB 3028—A bill to be entitled An act relating to park designations; designating the park where Interstate Highway 10 crosses the Apalachicola River in Chattahoochee the "Edgar Warren Scarborough Park"; providing for erection of markers; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote SB 3028 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Diaz-Balart	Johnson	Peterson
Bankhead	Dudley	Kirkpatrick	Souto
Brown	Forman	Kiser	Stuart
Bruner	Gardner	Langley	Thomas
Casas	Girardeau	Malchon	Thurman
Childers, D.	Gordon	Margolis	Walker
Childers, W. D.	Grant	McPherson	Weinstein
Crenshaw	Grizzle	Meek	Weinstock
Davis	Jennings	Myers	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Deratany

CS for SB 2272—A bill to be entitled An act relating to condominiums; creating the Condominium Study Commission; providing for membership; providing for duties; providing for recommendations; providing an appropriation; providing an effective date.

—was read the second time by title.

Senator Dudley moved the following amendments which were adopted:

Amendment 1—On page 2, between lines 19 and 20, insert:

Section 3. Paragraph (b) of subsection (2) of section 718.112, Florida Statutes is amended to read:

(2)

(b)

2. Any proxy given shall be effective only for the specific meeting for which originally given and any lawfully adjourned meetings thereof. *Such proxies shall be voted by the person to whom the proxy is granted.* In no event shall any proxy be valid for a period longer than 90 days after the date of the first meeting for which it was given. Every proxy is revocable at any time at the pleasure of the unit owner executing it, *and no other person may alter the proxy instrument during the period of time it is valid.*

(Renumber subsequent sections.)

Amendment 2—In title, on page 1, line 5, after “appropriation,” insert: amending s. 718.112, F.S.; prohibiting altering proxies;

On motion by Senator Casas, by two-thirds vote CS for SB 2272 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Mr. President	Davis	Grizzle	Meek
Bankhead	Deratany	Jennings	Myers
Beard	Diaz-Balart	Johnson	Peterson
Brown	Dudley	Kirkpatrick	Souto
Bruner	Forman	Kiser	Thomas
Casas	Gardner	Langley	Thurman
Childers, D.	Girardeau	Malchon	Weinstein
Childers, W. D.	Gordon	Margolis	Weinstock
Crenshaw	Grant	McPherson	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Stuart

On motions by Senator Dudley, by two-thirds vote CS for HB 1823 was withdrawn from the Committees on Regulated Industries and Appropriations.

On motion by Senator Dudley—

CS for HB 1823—A bill to be entitled An act relating to condominiums; amending s. 718.103, F.S.; redefining the terms “association property” and “unit owner”; amending s. 718.104, F.S.; providing requirements for land surveys; amending s. 718.105, F.S.; authorizing the clerk of the court to disburse certain funds; amending s. 718.106, F.S.; prohibiting dual usage of association property and certain common elements by unit owners and tenants; amending s. 718.110, F.S., relating to acquisition of property and material alterations or additions to property; revising language with respect to amendments to the declaration; providing reference to recording; amending s. 718.111, F.S.; revising language with respect to the association; providing that the association must be a Florida corporation; providing that directors may not vote by proxy at board meetings; providing that chapter 718 is not intended to limit or restrict the power of condominium associations except as expressly provided; revising language with respect to class action; providing for a right of access to units for maintenance of units required by the declaration; providing that the power to acquire personal property shall be exercised by the board of administration; providing that there shall be no limitation on the right of the board to purchase units at a foreclosure sale; revising language with respect to easements; providing that common elements must be insured;

authorizing the purchase of certain other insurance; deleting certain notice requirements; providing that associations may adopt rules regarding inspection of records by unit owners; amending s. 718.112, F.S.; revising language with respect to bylaws; providing that members of the board shall serve without compensation; providing that condominiums may provide in the bylaws for a lower number than a majority to establish a quorum; providing for a nominating committee; providing for notice when a unit is owned by more than one person; providing for evidence of notice; providing that the association may require a security deposit from prospective lessees; providing that associations operating an aggregate of more than 50 units must bond persons who control or disburse association funds; providing an additional requirement in the condominium bylaws; amending s. 718.113, F.S.; providing that the declaration may include reference that the association provide certain maintenance for the condominium; providing limitations upon improvements of association property; providing for protection of the common elements; amending s. 718.114, F.S.; providing for an additional power of the association; amending s. 849.093, F.S.; redefining the term “charitable, nonprofit or veterans’ organization”; amending s. 718.115, F.S.; revising language with respect to common expenses and common surplus; providing for inclusion of certain television services; amending s. 718.116, F.S.; authorizing an administrative late fee; limiting the fee; providing grounds for disapproval of unit leases; deleting certain language relating to notice of foreclosure where the association cannot locate the unit owner; providing for expenses of a receiver; modifying provisions relating to liability for common expenses and assessments in a foreclosure sale or deed transfer in lieu thereof; providing for purchase of units at a foreclosure sale; providing for joinder of the association in a foreclosure action; amending s. 718.123, F.S.; providing that the right to peaceably assemble is subject to the dual usage limitations; amending s. 718.202, F.S.; providing that there shall be no requirement of any filing with the Division of Florida Land Sales, Condominiums, and Mobile Homes in the case of condominiums other than residential condominiums; amending s. 718.301, F.S.; requiring the developer to turn over certain documents to the association; amending s. 718.303, F.S.; revising language with respect to waiver of any rights under chapter 718; amending s. 718.401, F.S.; providing that arbitration pursuant to an option to buy commonly used facilities may be conducted pursuant to chapter 44 or chapter 682; amending s. 718.403, F.S.; revising notice requirements with respect to a decision not to add to a phase condominium; amending s. 718.504, F.S., relating to the prospectus or offering circular; requiring certain descriptions; amending s. 718.618, F.S.; modifying voting interests language relating to converter reserve accounts; amending s. 617.017, F.S.; modifying language relating to procedures to amend the articles of incorporation; amending s. 617.041, F.S.; deleting language excluding provisions relating to quorum and voting requirements of corporations with respect to condominium associations; clarifying that the requirement that condominium associations be a Florida corporation does not apply retroactively; repealing s. 718.201, F.S., relating to taxes and the bond for payment of liability during construction; amending s. 721.15, F.S.; correcting a cross reference; amending s. 721.16, F.S.; correcting a cross reference; providing an effective date.

—a companion measure, was substituted for SB 2496 and read the second time by title. On motion by Senator Dudley, by two-thirds vote CS for HB 1823 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Johnson	Plummer
Bankhead	Diaz-Balart	Kirkpatrick	Souto
Beard	Dudley	Kiser	Thomas
Brown	Forman	Langley	Thurman
Bruner	Gardner	Malchon	Walker
Casas	Girardeau	Margolis	Weinstein
Childers, D.	Gordon	McPherson	Weinstock
Childers, W. D.	Grant	Meek	Woodson-Howard
Crenshaw	Grizzle	Myers	
Davis	Jennings	Peterson	

Nays—None

Vote after roll call:

Yea—Stuart

Motion to Reconsider

Senator Plummer moved that the Senate reconsider the vote by which CS for CS for SB 1578 failed to pass May 28.

Point of Order

Senator D. Childers raised a point of order that pursuant to Rule 6.4 the motion was out of order.

Ruling on Point of Order

The President ruled the point not well taken.

Reconsideration

The motion by Senator Plummer that the Senate reconsider the vote by which CS for CS for SB 1578 failed to pass May 28 was adopted and the Senate reconsidered.

CS for CS for SB 1578—A bill to be entitled An act relating to the "Local Option Tourist Development Act"; amending s. 125.0104, F.S.; allowing certain charter counties to levy by ordinance a tax on the sale of food, beverages, or alcoholic beverages in hotels, motels, or other specified establishments; prescribing requirements for such levy; providing for the collection of the tax and the uses of the tax proceeds; providing for rulemaking; requiring certain records to be kept and made available to the public; providing penalties; providing an effective date.

Senator Plummer moved the following amendment which failed to receive the required two-thirds vote:

Amendment 2—On page 5, strike all of lines 23 and 24 and insert:

Section 2. This act, except for this section which shall take effect upon becoming a law, shall take effect only upon approval by a majority vote of the electors of the county or portion of the county affected by the tax voting in a referendum election which shall be called and held by the county at the next regular primary or general election after the ordinance which imposes the tax is adopted

The vote was:

Yeas—20

Bankhead	Crenshaw	Jennings	Plummer
Beard	Diaz-Balart	Johnson	Thomas
Bruner	Dudley	Kirkpatrick	Thurman
Childers, D.	Gardner	Langley	Walker
Childers, W. D.	Grant	Myers	Woodson-Howard

Nays—17

Mr. President	Gordon	McPherson	Weinstein
Casas	Grizzle	Meek	Weinstock
Davis	Kiser	Peterson	
Forman	Malchon	Souto	
Girardeau	Margolis	Stuart	

Senator D. Childers moved the following amendment which failed:

Amendment 3—On page 5, strike all of lines 23 and 24 and insert:

Section 2. This act shall take effect only upon approval by a majority of the electors of the county who reside in the area affected by the tax, voting in a referendum to be held in conjunction with the first primary election in September 1990. However, this section shall take effect upon becoming a law.

Senator Weinstock moved that the rules be waived and CS for HB 1189 be withdrawn from the Committees on Community Affairs; and Finance, Taxation and Claims and substituted for CS for CS for SB 1578. The motion failed.

On motion by Senator Weinstock, CS for CS for SB 1578 was read by title, passed and certified to the House. The vote on passage was:

Yeas—19

Mr. President	Diaz-Balart	Kiser	Souto
Casas	Forman	Malchon	Stuart
Crenshaw	Gardner	Margolis	Weinstock
Davis	Girardeau	McPherson	Woodson-Howard
Deratany	Gordon	Meek	

Nays—17

Bankhead	Childers, W. D.	Kirkpatrick	Thurman
Beard	Dudley	Langley	Walker
Brown	Grant	Peterson	
Bruner	Jennings	Plummer	
Childers, D.	Johnson	Thomas	

Vote after roll call:

Yea—Grizzle, Weinstein

Reconsideration

On motion by Senator Dudley, the Senate reconsidered the vote by which—

CS for SB 2272—A bill to be entitled An act relating to condominiums; creating the Condominium Study Commission; providing for membership; providing for duties; providing for recommendations; providing an appropriation; providing an effective date.

—as amended passed this day.

On motions by Senator Casas, by two-thirds vote CS for HB 3041 was withdrawn from the Committees on Regulated Industries; Governmental Operations; Rules and Calendar; and Appropriations.

On motion by Senator Casas, by two-thirds vote—

CS for HB 3041—A bill to be entitled An act relating to condominiums; creating the Condominium Study Commission; providing for membership; providing for duties; providing for recommendations; providing an appropriation; providing an effective date.

—a companion measure, was substituted for CS for SB 2272 and read the second time by title. On motion by Senator Casas, by two-thirds vote CS for HB 3041 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Davis	Kirkpatrick	Souto
Bankhead	Diaz-Balart	Kiser	Stuart
Beard	Dudley	Langley	Thomas
Brown	Gardner	Malchon	Thurman
Bruner	Girardeau	Margolis	Walker
Casas	Gordon	McPherson	Weinstein
Childers, D.	Grizzle	Myers	Weinstock
Childers, W. D.	Jennings	Peterson	Woodson-Howard
Crenshaw	Johnson	Plummer	

Nays—None

Vote after roll call:

Yea—Deratany

SB 2506—A bill to be entitled An act relating to torts; creating the Florida Tort Claims Study Commission; providing for commission membership; providing for the review of current state and federal law regarding tort claims; providing for a written report; providing an effective date.

—was read the second time by title. On motion by Senator Deratany, by two-thirds vote SB 2506 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Deratany	Kiser	Stuart
Bankhead	Diaz-Balart	Langley	Thomas
Beard	Dudley	Malchon	Thurman
Brown	Gardner	Margolis	Walker
Bruner	Girardeau	McPherson	Weinstein
Casas	Gordon	Meek	Weinstock
Childers, D.	Grizzle	Myers	Woodson-Howard
Childers, W. D.	Jennings	Peterson	
Crenshaw	Johnson	Plummer	
Davis	Kirkpatrick	Souto	

Nays—None

SB 1118—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending s. 20.19, F.S., relating to

the administration of programs through service districts; transferring St. Johns County from one subdistrict to another; providing an effective date.

—was read the second time by title. On motion by Senator Bankhead, by two-thirds vote SB 1118 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Deratany	Kirkpatrick	Stuart
Bankhead	Diaz-Balart	Kiser	Thomas
Beard	Dudley	Langley	Thurman
Brown	Forman	Malchon	Walker
Bruner	Gardner	Margolis	Weinstein
Casas	Girardeau	McPherson	Weinstock
Childers, D.	Gordon	Meek	Woodson-Howard
Childers, W. D.	Grizzle	Myers	
Crenshaw	Jennings	Peterson	
Davis	Johnson	Souto	

Nays—None

CS for SB 1304—A bill to be entitled An act relating to dealers of agricultural products; amending s. 604.19, F.S.; increasing the amount the Department of Agriculture and Consumer Services may charge as a license fee for agricultural products dealers; amending s. 604.20, F.S.; increasing the amount of the bond or certificate of deposit required from applicants for such a license; amending s. 604.21, F.S.; providing conditions for filing complaints against licensed dealers of agricultural products; amending s. 604.22, F.S.; correcting a cross-reference; reviving and readopting provisions of ch. 604, F.S., notwithstanding repeals scheduled under the Regulatory Sunset Act; providing for future legislative review and repeal of such provisions; providing an effective date.

—was read the second time by title. On motion by Senator Thurman, by two-thirds vote CS for SB 1304 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Deratany	Johnson	Scott
Bankhead	Diaz-Balart	Kirkpatrick	Souto
Beard	Dudley	Kiser	Thomas
Brown	Forman	Langley	Thurman
Bruner	Gardner	Malchon	Walker
Casas	Girardeau	Margolis	Weinstock
Childers, D.	Gordon	McPherson	Woodson-Howard
Childers, W. D.	Grant	Meek	
Crenshaw	Grizzle	Myers	
Davis	Jennings	Peterson	

Nays—None

Vote after roll call:

Yea—Plummer

CS for SB 1318—A bill to be entitled An act relating to the Myakka River Wild and Scenic Designation and Preservation Act; amending s. 258.501, F.S.; defining the terms “agreement,” “major infrastructure facility,” “person,” “river area,” and “wild and scenic protection zone”; requiring certain local governments to manage the wild and scenic protection zone in conformance with the act; adding to requirements for the proposed management plan; requiring the amendment of certain local government regulations and comprehensive plans; providing guidelines for such amendments; providing for agreements to be adopted by the Department of Natural Resources, Department of Community Affairs, and local governments; allowing the Department of Natural Resources and the Department of Community Affairs to review those regulations and plans; providing for the Department of Community Affairs to review certain regulations and plans pursuant to s. 163.3184, F.S.; requiring regulatory agencies to notify the Department of Natural Resources of applications to conduct certain types of activities within the protection zone; clarifying the legal status of certain comprehensive plan amendments; providing for standing to enforce amended comprehensive plans; providing an exception to the prohibited operation of airboats; providing an effective date.

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote CS for SB 1318 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz-Balart	Kirkpatrick	Souto
Bankhead	Dudley	Kiser	Stuart
Beard	Forman	Langley	Thomas
Brown	Gardner	Malchon	Thurman
Bruner	Girardeau	Margolis	Walker
Casas	Gordon	McPherson	Weinstein
Childers, D.	Grant	Meek	Weinstock
Childers, W. D.	Grizzle	Myers	Woodson-Howard
Crenshaw	Jennings	Plummer	
Deratany	Johnson	Scott	

Nays—None

CS for CS for SB 1620—A bill to be entitled An act relating to the Treasurer; amending s. 18.10, F.S.; authorizing the Treasurer to invest in additional securities; creating s. 18.103, F.S.; providing for the deposit of assets of state agencies with the Treasurer for safekeeping; providing fees for such service; creating s. 18.104, F.S.; establishing the Treasury Cash Deposit Trust Fund; amending s. 18.125, F.S.; authorizing the Treasurer to invest funds of any statutorily created board, association, or entity; amending s. 280.02, F.S.; redefining the term “average daily balance” for the purposes of the Florida Security for Public Deposits Act; amending s. 280.03, F.S.; providing that public deposits held outside the country are exempt from the requirements and protection of that act; amending s. 280.04, F.S.; revising a provision relating to collateral for public deposits; amending s. 280.05, F.S.; revising a duty of the Treasurer with respect to the protection of the public deposits security program; authorizing the Treasurer to allow electronic filings; amending s. 280.10, F.S.; providing that a qualified public depository that sells or disposes of any of its branches is responsible for public deposits held by such branch until the purchasing institution becomes a qualified public depository; amending s. 280.11, F.S.; specifying procedures for compulsory withdrawal from the public deposit security program of public depositories that are disqualified from receiving or retaining deposits; repealing ss. 111.02, 111.03, 111.04, F.S., which relate to responsibilities of the Treasurer with respect to certain perquisites accruing from the administration of certain state officers, the reporting, furnishing and accounting thereof, and a penalty for noncompliance; providing an effective date.

—was read the second time by title.

Five amendments were adopted to CS for CS for SB 1620 to conform the bill to CS for CS for HB 1413.

Pending further consideration of CS for CS for SB 1620 as amended, on motions by Senator Bankhead, by two-thirds vote CS for CS for HB 1413 was withdrawn from the Committees on Governmental Operations; Finance, Taxation and Claims; and Appropriations.

On motion by Senator Bankhead—

CS for CS for HB 1413—A bill to be entitled An act relating to the Treasurer; amending s. 18.10, F.S.; authorizing the Treasurer to invest in additional securities; creating s. 18.103, F.S.; providing for safekeeping services of the Treasurer; providing fees; creating s. 18.104, F.S.; creating the Treasury Cash Deposit Trust Fund; amending s. 18.125, F.S.; authorizing the Treasurer to invest funds of any statutorily created board, association, or entity; amending s. 280.02, F.S.; redefining the term “average daily balance” for the purposes of the Florida Security for Public Deposits Act; amending s. 280.03, F.S.; providing that public deposits held outside the country are exempt from the requirements and protection of the act; amending s. 280.04, F.S.; revising language with respect to collateral for public deposits; amending s. 280.05, F.S.; providing an extra duty of the Treasurer; authorizing the Treasurer to allow electronic filings; amending s. 280.10, F.S.; adding language with respect to mergers or acquisitions; providing for responsibility for deposit with respect to certain qualified public depositories which sell or dispose of its branches; amending s. 280.11, F.S.; providing language with respect to public depositories which are disqualified from receiving or retaining deposits; repealing ss. 111.02, 111.03, and 111.04, F.S., relating to the responsibility of the Treasurer with respect to certain perquisites accruing from the administration of certain state officers and the reporting, furnishing, and accounting thereof and a penalty for noncompliance; providing an effective date.

—a companion measure, was substituted for CS for CS for SB 1620 and read the second time by title.

Senator Bankhead moved the following amendments which were adopted:

Amendment 1—On page 6, strike all of lines 17-29 and insert:

Section 5. Subsections (1), (2), and (12) of section 280.02, Florida Statutes, are amended to read:

280.02 Definitions.—As used in this chapter, the term:

(1) "Average daily balance" means the average daily balance of public deposits held during the calendar month immediately preceding the current month. The average daily balance must be determined by totaling by account the daily balances ~~in excess of any applicable deposit insurance~~ held by the depositor and then dividing the total by the number of calendar days in the month. *Deposit insurance is then deducted from each account balance and the resulting amounts are totaled to obtain the average daily balance.*

(2) "Average monthly balance" means the average monthly balance of public deposits held *before deducting deposit insurance* by the depository during any 12 calendar months. The average monthly balance of the previous 12 calendar months must be determined by adding the average daily balance *before deducting deposit insurance* for the calendar month immediately preceding the current month and the average daily balances *before deducting deposit insurance* for the 11 months preceding that month and dividing the total by 12.

(12) "Required collateral" of a qualified public depository means eligible collateral having a market value equal to or in excess of ~~the greater of the average daily balance or average monthly balance of public deposits~~ times the depository's collateral-pledging level required pursuant to s. 280.04 as computed and reported monthly or when requested by the Treasurer or 25 percent of the average monthly balance, whichever is greater.

Amendment 2—On page 7, strike all of lines 9 and 10 and insert:

Section 7. Paragraph (d) of subsection (1) and subsection (4) of section 280.04, Florida Statutes, are amended to read:

280.04 Collateral for public deposits; general provisions.—

(1) Every qualified public depository shall deposit with the Treasurer eligible collateral equal to or in excess of the required collateral of the depository to be held subject to his order. Unless the Treasurer has otherwise expressly established a minimum amount of required collateral or different collateral pledging levels and officially notified the affected qualified public depository, each qualified public depository shall determine the amount of its required collateral, and shall determine its collateral-pledging level, based upon any one or any combination of the following formulas:

(d) One hundred twenty-five percent of public deposits in excess of 20 40 percent of the total public deposits held by all qualified public depositories of the same type, i.e., banks or savings associations. The Treasurer shall determine the total public deposits held based on the immediately preceding 12-month average. That 12-month average amount must be disseminated to the qualified public depositories at such time and in such manner as the Treasurer determines appropriate.

Amendment 3—On page 10, between lines 24 and 25, insert:

Section 11. Section 280.13, Florida Statutes, is amended to read:

280.13 Collateral eligible for pledge by banks.—

(1) Securities eligible to be pledged as collateral by banks shall be limited to:

- (a) Obligations of the United States.
- (b) Obligations of any federal agency that are fully guaranteed as to payment of principal and interest by the United States.
- (c) Obligations of federal farm credit banks.
- (d) Obligations of federal land banks.
- (e) Obligations of the Federal Home Loan Bank and its district banks.
- (f) Obligations of federal intermediate credit banks.

(g) Obligations of the Federal Home Loan Mortgage Corporation, including participation certificates.

(h) Obligations of the Federal National Mortgage Association, including participation certificates.

(i) Obligations guaranteed by the Government National Mortgage Association.

(j) General obligations of a state of the United States, or of Puerto Rico, or of a political subdivision or municipality thereof.

(k) Obligations issued by the Florida State Board of Education under authority of the State Constitution or applicable statutes.

(l) County or municipal tax anticipation certificates or warrants having maturities not exceeding 1 year.

(m) Obligations of a public housing authority.

(n) Any single issue of revenue bonds or certificates of a state of the United States or of a political subdivision or municipality thereof.

(o) Corporate bonds of any corporation that is not an affiliate or subsidiary of the qualified public depository.

(2) *In addition to the securities listed in subsection (1), the Treasurer may, in his discretion allow the pledge of the following types of securities. The Treasurer shall, by rule, define any restrictions, specific criteria, or circumstances for which these instruments will be acceptable.*

(a) ~~(p)~~ *In the discretion of the Treasurer, Securities of, or other interests in, any open-end management type investment company or investment trust registered under the Investment Company Act of 1940, 15 U.S.C. ss. 80a-1 et seq., as amended from time to time, provided the portfolio of such investment company or investment trust is limited to United States Government obligations and to repurchase agreements fully collateralized by such United States Government obligations and provided such investment company or investment trust takes delivery of such collateral either directly or through an authorized custodian.*

(b) *Collateralized Mortgage Obligations.*

(c) *Real Estate Mortgage Investment Conduits.*

(d) *Certificates of deposit.*

(3) ~~(2)~~ Except as to bonds, notes, and bills of the United States or, bonds and notes with respect to which the payment of principal and interest is guaranteed by the United States, or federal certificates of indebtedness, the bonds and notes or certificates mentioned in this section shall be rated in one of the four highest classifications by an established, nationally recognized investment rating service.

(4) ~~(3)~~ To be eligible as collateral under subsection (1), all bonds or certificates of indebtedness shall be interest bearing or accruing.

(5) ~~(4)~~ The Treasurer may disapprove any security that does not meet the requirements of this section *or any rule adopted pursuant to this section.*

Section 12. Section 280.14, Florida Statutes, is amended to read:

280.14 Collateral eligible for pledge by savings associations.—

(1) Securities eligible to be pledged as collateral by savings associations shall be limited to:

- (a) Obligations of the United States.
- (b) Obligations of any federal agency that are fully guaranteed as to payment of principal and interest by the United States.
- (c) Obligations of federal farm credit banks.
- (d) Obligations of federal land banks.
- (e) Obligations of the Federal Home Loan Bank and its district banks.
- (f) Obligations of federal intermediate credit banks.
- (g) Obligations of the Federal Home Loan Mortgage Corporation, including participation certificates.

(h) Obligations of the Federal National Mortgage Association, including participation certificates.

(i) Obligations guaranteed by the Government National Mortgage Association.

(j) Federal Home Loan Bank time deposits.

(k) General obligations of a state of the United States, or of Puerto Rico, or of a political subdivision or municipality thereof.

(l) Obligations issued by the Florida State Board of Education under authority of the State Constitution or applicable statutes.

(m) County or municipal tax anticipation certificates or warrants having maturities not exceeding 1 year.

(n) Obligations of a public housing authority.

(o) Any single issue of revenue bonds or certificates of a state of the United States or of a political subdivision or municipality thereof.

(p) Corporate bonds of any corporation that is not an affiliate or subsidiary of the qualified public depository.

(2) *In addition to the securities listed in subsection (1), the Treasurer may, in his discretion allow the pledge of the following types of securities. The Treasurer shall, by rule, define any restrictions, specific criteria, or circumstances for which these instruments will be acceptable.*

(a)(q) ~~In the discretion of the Treasurer,~~ Securities of, or other interests in, any open-end management type investment company or investment trust registered under the Investment Company Act of 1940, 15 U.S.C. ss. 80a-1 et seq., as amended from time to time, provided the portfolio of such investment company or investment trust is limited to United States Government obligations and to repurchase agreements fully collateralized by such United States Government obligations and provided such investment company or investment trust takes delivery of such collateral either directly or through an authorized custodian.

(b) *Collateralized Mortgage Obligations.*

(c) *Real Estate Mortgage Investment Conduits.*

(d) *Certificates of deposit.*

(3)(2) Except as to bonds, notes, and bills of the United States or bonds and notes with respect to which the payment of principal and interest is guaranteed by the United States, or federal certificates of indebtedness, the bonds and notes or certificates mentioned in this section shall be rated in one of the four highest classifications by an established, nationally recognized investment rating service.

(4)(3) To be eligible as collateral under subsection (1), all bonds or certificates of indebtedness shall be interest bearing or accruing.

(5)(4) The Treasurer may disapprove any security that does not meet the requirements of this section or any rule adopted pursuant to this section.

(Renumber subsequent sections.)

Amendment 4—In title, on page 1, line 30, after the semicolon (;) insert: amending ss. 280.13, 280.14, F.S.; providing additional authorized securities as collateral by banks and savings associations;

Amendment 5—In title, on page 1, strike line 12 and insert: the terms "average daily balance," "average monthly balance," and "required collateral" for the

On motion by Senator Bankhead, by two-thirds vote CS for CS for HB 1413 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Bankhead	Dudley	Kirkpatrick	Souto
Brown	Forman	Langley	Stuart
Bruner	Gardner	Malchon	Thomas
Casas	Girardeau	Margolis	Thurman
Childers, W. D.	Gordon	McPherson	Walker
Crenshaw	Grant	Meek	Weinstein
Davis	Grizzle	Myers	Weinstock
Deratany	Jennings	Peterson	Woodson-Howard
Diaz-Balart	Johnson	Plummer	

Nays—None

On motions by Senator Kiser, by two-thirds vote CS for HB 3605 was withdrawn from the Committees on Governmental Operations; Higher Education; and Rules and Calendar.

On motion by Senator Kiser—

CS for HB 3605—A bill to be entitled An act relating to information resources; amending s. 282.004, F.S.; providing legislative intent related to information resources management; assigning responsibilities to the Board of Regents; amending s. 282.305, F.S.; specifying powers and duties of the Board of Regents; providing rulemaking authority to the Board of Regents; amending s. 282.3062, F.S.; requiring an annual report on information resources management within the State University System; amending s. 282.307, F.S.; providing an exception related to strategic plans for information resources management; amending s. 282.308, F.S.; modifying planning requirements for the State University System; specifying duties of the Chancellor of the Board of Regents; amending s. 282.312, F.S.; providing an exception related to annual performance reports of the State University System; amending s. 282.318, F.S., relating to security of information technology resources; specifying duties of the Board of Regents; amending ss. 216.031 and 216.0445, F.S.; correcting cross references; saving ss. 282.303, 282.304, 282.305, 282.306, 282.3061, 282.3062, 282.307, 282.308, 282.309, 282.311, 282.3115, and 282.312, F.S., relating to the Information Resource Commission, s. 282.313, F.S., relating to data processing advisory councils, and s. 287.073, F.S., relating to the Information Technology Resource Procurement Advisory Council, from Sundown repeal scheduled for October 1, 1990; repealing such sections October 1, 1995, and providing for legislative review thereof in advance of that date; repealing s. 216.0445, F.S., relating to budget evaluation by the Information Resource Commission, October 1, 1995, and providing for legislative review of such section in advance of that date; directing the Legislative Information Technology Resource Committee to study the operations of the Information Resource Commission, data processing advisory councils, and the Information Technology Resource Procurement Advisory Council; directing the committee to seek information and assistance from specified persons; directing the Auditor General to evaluate the information resources management functions of the Board of Regents; providing for the Legislative Information Technology Resource Committee and the Auditor General to submit certain recommendations to specified legislative committees; providing an effective date.

—a companion measure, was substituted for SB 2732 and read the second time by title. On motion by Senator Kiser, by two-thirds vote CS for HB 3605 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Diaz-Balart	Kiser	Stuart
Bankhead	Dudley	Langley	Thomas
Beard	Forman	Malchon	Thurman
Brown	Gardner	Margolis	Walker
Bruner	Girardeau	McPherson	Weinstein
Casas	Gordon	Meek	Weinstock
Childers, D.	Grant	Myers	Woodson-Howard
Childers, W. D.	Grizzle	Peterson	
Davis	Jennings	Plummer	
Deratany	Johnson	Souto	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

CS for SB 2536—A bill to be entitled An act relating to state budgeting; amending s. 216.301, F.S.; providing procedures and guidelines for the reversion of certain appropriations; providing for retroactive applicability; providing an effective date.

—was read the second time by title. On motion by Senator Deratany, by two-thirds vote CS for SB 2536 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz-Balart	Kirkpatrick	Souto
Bankhead	Dudley	Kiser	Stuart
Beard	Forman	Langley	Thomas
Brown	Gardner	Malchon	Thurman
Bruner	Girardeau	Margolis	Walker
Casas	Gordon	McPherson	Weinstein
Childers, D.	Grant	Meek	Weinstock
Childers, W. D.	Grizzle	Myers	Woodson-Howard
Davis	Jennings	Peterson	
Deratany	Johnson	Plummer	

Nays—None

On motions by Senator Brown, by two-thirds vote CS for HB 2705 was withdrawn from the Committees on Health Care and Insurance.

On motion by Senator Brown—

CS for HB 2705—A bill to be entitled An act relating to professional liability coverage of hospital staff and health care services pools; amending s. 402.48, F.S.; providing health care services pools with alternative methods of establishing financial responsibility; amending s. 766.110, F.S.; deleting a coverage election provision; specifying that physicians participating in a hospital-sponsored self-insurance program comply with financial responsibility requirements if the coverage limits provided to such physicians are not less than the applicable minimum limits established in ss. 458.320 and 459.0085, F.S., and the hospital is a verified trauma center; amending ss. 458.320 and 459.0085, F.S., to conform; providing an effective date.

—a companion measure, was substituted for CS for SB 1696 and read the second time by title. On motion by Senator Brown, by two-thirds vote CS for HB 2705 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Diaz-Balart	Johnson	Peterson
Bankhead	Dudley	Kirkpatrick	Souto
Beard	Forman	Kiser	Stuart
Brown	Gardner	Langley	Thomas
Bruner	Girardeau	Malchon	Thurman
Casas	Gordon	Margolis	Walker
Childers, W. D.	Grant	McPherson	Weinstein
Davis	Grizzle	Meek	Weinstock
Deratany	Jennings	Myers	Woodson-Howard

Nays—None

Senator Langley presiding

CS for SB 336—A bill to be entitled An act relating to handicapped parking; amending ss. 316.1955, 316.1956, F.S.; requiring that a portion of handicapped parking spaces be designated for the exclusive use of disabled persons confined to wheelchairs; providing for enforcement; reenacting s. 316.008(4), F.S., relating to local ordinances, s. 316.1957, F.S., relating to evidence of violations, s. 316.1958, F.S., relating to out-of-state vehicles with handicapped identification, and s. 318.18(7), F.S., relating to penalties, to incorporate the amendments to ss. 316.1955 and 316.1956, F.S., in references thereto; providing an effective date.

—was read the second time by title. On motion by Senator Forman, by two-thirds vote CS for SB 336 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Bankhead	Diaz-Balart	Johnson	Souto
Beard	Dudley	Kirkpatrick	Stuart
Brown	Forman	Kiser	Thomas
Bruner	Gardner	Langley	Thurman
Casas	Girardeau	Malchon	Walker
Childers, D.	Gordon	Margolis	Weinstein
Childers, W. D.	Grant	Meek	Weinstock
Davis	Grizzle	Myers	Woodson-Howard
Deratany	Jennings	Peterson	

Nays—None

Consideration of **CS for SB 664** was deferred.

On motions by Senator Diaz-Balart, by two-thirds vote CS for HB 2135 was withdrawn from the Committees on Governmental Operations and Appropriations.

On motion by Senator Diaz-Balart—

CS for HB 2135—A bill to be entitled An act relating to leasing of real property by state agencies; amending s. 265.043, F.S., relating to art in state buildings; amending ss. 255.249 and 255.25, F.S.; raising the square footage threshold for competitive bidding for such leases; requiring a specified number of quotes for leases that are not competitively bid; authorizing agency heads to delegate specified functions to designated representatives; requiring the Department of General Services to review and approve leases that are not competitively bid as to technical sufficiency; requiring certain certification in order for a state agency to lease any building or part thereof; deleting requirement of certification that certain property meets firesafety standards of the State Fire Marshal; requiring posting of a bond along with a formal protest of agency action relating to bids for leased space; providing for recovery of costs in such actions; exempting leases of a specified length from certain approval requirements; providing circumstances for emergency acquisition of space by lease without competitive bids; requiring a statement relating to conflicts of interest from participants in certain award processes; amending s. 287.012, F.S.; raising the square footage threshold for mobile homes, trailers, and other portable structures in the definition of commodity; providing an effective date.

—a companion measure, was substituted for SB 424 and read the second time by title. On motion by Senator Diaz-Balart, by two-thirds vote CS for HB 2135 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Bankhead	Diaz-Balart	Johnson	Plummer
Beard	Dudley	Kirkpatrick	Souto
Brown	Forman	Kiser	Stuart
Bruner	Gardner	Langley	Thomas
Casas	Girardeau	Malchon	Thurman
Childers, D.	Gordon	Margolis	Walker
Childers, W. D.	Grant	McPherson	Weinstein
Davis	Grizzle	Meek	Weinstock
Deratany	Jennings	Myers	Woodson-Howard

Nays—None

On motion by Senator Thurman, by two-thirds vote HB 2549 was withdrawn from the Committee on Agriculture.

On motion by Senator Thurman—

HB 2549—A bill to be entitled An act relating to agricultural advertising; creating part II of ch. 571, F.S.; amending ss. 571.01-571.10, F.S.; correcting references; creating ss. 571.21-571.30, F.S., the Florida Agricultural Promotional Campaign Act; providing legislative intent; providing definitions; providing purpose; providing duties of the Division of Marketing of the Department of Agriculture and Consumer Services; requiring participants in the campaign to register with the department; providing for fees; creating the Florida Agricultural Promotional Campaign Trust Fund; providing rulemaking authority; creating the Florida Agricultural Promotional Campaign Advisory Council; providing for appointment, organization, and responsibilities; specifying unlawful acts; providing an administrative fine; providing penalties; creating an Advertising Interagency Coordinating Council; providing for future repeal; providing a directive to statute editors; providing for review and repeal; providing an effective date.

—a companion measure, was substituted for CS for SB 1042 and read the second time by title.

Senator Thurman moved the following amendments which were adopted:

Amendment 1—On page 1, line 28, through page 11, line 30, strike everything after the enacting clause and insert:

Section 1. Chapter 571, Florida Statutes, is designated part I of said chapter.

Section 2. Section 571.01, Florida Statutes, is amended to read:

571.01 Short title.—This *part chapter* shall be known as the “Florida Seal of Quality Law.”

Section 3. Section 571.02, Florida Statutes, is amended to read:

571.02 Purpose.—The purpose of this *part chapter* is to authorize the Department of Agriculture and Consumer Services to adopt seals of quality to be used in advertising and promoting the sale of agricultural products produced in Florida and to provide controls in the use of such seals of quality.

Section 4. The introductory paragraph of section 571.03, Florida Statutes, is amended to read:

571.03 Definitions.—As used in this *part chapter*:

Section 5. Section 571.04, Florida Statutes, is amended to read:

571.04 Powers and duties of the department.—The duty of enforcing and administering this *part chapter* is vested in the department, and the department is authorized to employ all agents and persons necessary therefor.

(1) All fees collected under this *part chapter* shall be paid into the State Treasury and placed to the credit of the General Inspection Trust Fund, from which fund there shall be paid the expenses incurred in the enforcement and administration of this *part chapter* to include publicizing, advertising, and promoting seals of quality and the agricultural products with which such seals of quality are used. The department may accept contributions of money or services to aid in any advertising or promotion work undertaken by it under authority of this *part chapter*.

(2) The department may register any seal of quality with the Department of State of Florida, United States Patent Office, appropriate offices of other states of the United States and of foreign countries.

(3) The department, through its authorized representatives, is authorized to:

(a) Enter upon the premises, place of business, or vehicle of any applicant or licensee during normal business hours and conditions for the purpose of determining by inspection and examination the sufficiency of bookkeeping systems, accuracy of records, the agricultural products with which the seal of quality is used, articles purporting to be seals of quality or reproductions of same, and for the purpose of determining whether any other provision of this *part chapter* or any rule or regulation adopted hereunder is being violated.

(b) Issue hold orders to owners and custodians and affix copy of same to seal of quality or reproduction of same in the possession of a nonlicensee; any seal of quality or reproduction of same that is an imitation or counterfeit; any agricultural product with which an imitation or counterfeit seal is used; any agricultural product on which a seal of quality is used after failure to make reports and remittance of advertising and promotion fees provided in this *part chapter* and rules and regulations adopted hereunder; any agricultural product with which a seal of quality is used unless said product is labeled to indicate it is packaged by a licensee or to any agricultural product or article with which a seal of quality is used in violation of this *part chapter* or rules and regulations adopted hereunder. Such hold order must name and describe the product or article to which attached and the amount and address of same, give notice that the product or article to which attached is or is suspected of being sold, offered for sale, or held for the purpose of sale in violation of law or of rules specified in said order and said hold order shall give warning to all persons not to remove or dispose of such product or article by sale or otherwise until permission is granted by the department or by order of court.

Section 6. Section 571.05, Florida Statutes, is amended to read:

571.05 Rules and regulations.—The department by *rule rules and regulations* may design, determine, and adopt seals of quality for use in publicizing, advertising, and promoting agricultural products; prescribe minimum standards of quality and grade of agricultural products with which a seal of quality may be used; name and define market packages of agricultural products; fix a reasonable and equitable advertising and promotion fee for such market package of agricultural products; and otherwise interpret, implement, and make specific the provisions of this *part chapter*.

Section 7. Subsection (1) of section 571.06, Florida Statutes, is amended to read:

571.06 License; application, fee, and conditions.—

(1) Application for license to reproduce or use a seal of quality shall be made to the department on application forms supplied by the department. Anyone making application and payment of license fee in the amount of \$25 \$10 and meeting other qualifications required under this *part chapter* and rules and regulations adopted hereunder shall be granted license for which applied. Such license shall be valid for 1 year from date of issue. The department, however, may refuse to issue a license to any person whose license has been revoked until such person demonstrates to the department that he no longer will violate the provisions of this *part chapter* or rules adopted hereunder.

Section 8. Section 571.07, Florida Statutes, is amended to read:

571.07 Suspension or revocation of license.—The department, after finding that a licensee has violated any of the provisions of this *part chapter* or rules adopted hereunder, may revoke the license of any licensee or suspend such license for not more than 1 year.

Section 9. Subsections (2) and (9) of section 571.08, Florida Statutes, are amended to read:

571.08 Unlawful acts.—It is unlawful for any person:

(2) To reproduce or use any seal of quality without license or in violation of the provisions of this *part chapter* or rules adopted hereunder.

(9) To fail to do any act required or to do any act prohibited by this *part chapter* or rules adopted hereunder.

Section 10. Section 571.09, Florida Statutes, is amended to read:

571.09 Penalties.—Any person violating any of the provisions of this *part chapter* or rules adopted hereunder shall for the first offense be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, and for each succeeding offense shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 11. Section 571.10, Florida Statutes, is amended to read:

571.10 Injunction.—In addition to the remedies provided in this *part chapter* and notwithstanding the existence of any adequate remedy at law, the department is authorized to make application for injunction to a circuit judge, and such circuit judge shall have jurisdiction upon a hearing and for cause shown to grant a temporary or permanent injunction, or both, restraining any person from violating or continuing to violate any of the provisions of this *part chapter* or from failing or refusing to comply with the requirements of this *part chapter* or any rule or regulation adopted hereunder, such injunction to be issued without bond.

Section 12. Part II of chapter 571, Florida Statutes, consisting of sections 571.21, 571.22, 571.23, 571.24, 571.25, 571.26, 571.27, 571.28, and 571.29, is created to read:

571.21 Short title.—This part may be cited as the “Florida Agricultural Promotional Campaign Act.”

571.22 Legislative intent.—The Legislature finds that there is a need for a Florida Agricultural Promotional Campaign to increase consumer awareness and expand the market for Florida’s agricultural products. The Legislature further finds that the Florida Agricultural Promotional Campaign is a partnership between industry and the state to efficiently promote and advertise such products.

571.23 Definitions.—For purposes of this part, the following terms shall have the following meanings:

(1) “Department” means the Department of Agriculture and Consumer Services.

(2) “Person” means an individual, firm, partnership, corporation, association, business, trust, legal representative, or any other business unit.

(3) “Reproduce” means to stencil, emboss, print, engrave, impress, imprint, lithograph, or duplicate in any manner or to cause any such acts to be done.

(4) “Agricultural product” means any fresh or processed horticultural, aquacultural, viticultural, dairy, poultry, apicultural, or other farm or garden product.

(5) "Division" means the Division of Marketing of the Department of Agriculture and Consumer Services.

571.24 Purpose; duties of the division.—The purpose of this part is to authorize the division to establish and coordinate the Florida Agricultural Promotional Campaign. The duties of the division shall include, but are not limited to:

- (1) Developing a logo and authorizing the use of that logo.
- (2) Registering participants.
- (3) Assessing and collecting fees.
- (4) Working closely with the Department of Commerce to explore the feasibility of combining marketing strategies.
- (5) Developing in-kind advertising programs.
- (6) Contracting with media representatives for the purpose of dispersing promotional materials.
- (7) Assisting the representative of the department who serves on the Florida Agricultural Promotional Campaign Advisory Council.
- (8) Promulgating rules necessary to implement the provisions of this part.

571.25 Registration and fees.—

(1) Any person who participates in the Florida Agricultural Promotional Campaign shall register annually with the department in a form and manner as required by the department. Each person shall renew their registration by July 1 of each year.

(2) The department is hereby authorized to establish by rule registration and renewal fees to help pay the operating costs, grants and aids, and personnel for the Florida Agricultural Promotional Campaign. Fees shall be deposited in the Florida Agricultural Promotional Campaign Trust Fund.

571.26 Florida Agricultural Promotional Campaign Trust Fund.—There is hereby created the Florida Agricultural Promotional Campaign Trust Fund within the Department of Agriculture and Consumer Services to receive all moneys related to the Florida Agricultural Promotional Campaign. Moneys deposited in the trust fund shall be appropriated for the sole purpose of implementing the Florida Agricultural Promotional Campaign.

571.27 Rules.—The department is authorized to promulgate rules for entering into contracts with advertising and promotional agencies for services which are directly related to the Florida Agricultural Promotional Campaign. Such rules shall establish the procedures for negotiating costs with the offerors of such advertising services who have been determined by the division to be qualified on the basis of technical merit, creative ability, and professional competency. Such determination of qualifications shall also include consideration of the provisions in s. 287.055(3), (4), and (5).

571.28 Florida Agricultural Promotional Campaign Advisory Council.—

(1) ORGANIZATION.—There is hereby created within the department the Florida Agricultural Promotional Campaign Advisory Council, to consist of 15 members appointed by the Commissioner of Agriculture for 4-year staggered terms. The membership shall include: six members representing agricultural producers, shippers, or packers, three members representing agricultural retailers, two members representing agricultural associations, one member representing a wholesaler of agricultural products, one member representing consumers, and one member representing the department. Initial appointment of the council members shall be four members to a term of 4 years, four members to a term of 3 years, four members to a term of 2 years, and three members to a term of 1 year.

(2) PROCEDURE.—

(a) The members of the council, at their first meeting, shall organize by electing a chairman, a vice chairman, and a secretary who shall be the department's representative, and shall adopt rules of procedure governing their deliberations. The terms of such officers shall be for 1 year.

(b) The council shall meet at the call of its chairman, at the request of a majority of its membership, at the request of the department, or at such times as may be prescribed by its rules, but at least once a year.

(c) A majority of the members of the council constitutes a quorum for all purposes, and an act by a majority of the quorum at any meeting constitutes an official act of the council.

(d) Members of the Florida Agricultural Promotional Campaign Advisory Council shall receive no compensation for their services, but are entitled to be reimbursed for per diem and travel expenses as provided in s. 112.061.

(e) The responsibilities of the Florida Agricultural Promotional Campaign Advisory Council are to:

1. Formulate and make recommendations to the Commissioner of Agriculture on seeking professional services.
2. Review and make recommendations to the Commissioner of Agriculture on establishing fees and initiating the scheduling of commodity participation.
3. Recommend to the Commissioner of Agriculture program operating guidelines, and assist in developing goals, objectives, and measures of progress for the Florida Agricultural Promotional Campaign.

571.29 Unlawful acts.—It is unlawful for any person to use, reproduce, or distribute the logo of the Florida Agricultural Promotional Campaign without being registered with the department, or to otherwise violate the provisions of this part or any rules adopted under this part.

(1) Any person who violates any of the provisions of this part or any rule promulgated under this part is subject to the imposition of an administrative fine of up to \$1,000 for each offense. Upon repeated violation, the department may seek enforcement pursuant to s. 120.69.

(2) Any person who is convicted of a violation of the provisions of this part or rules adopted under this part is, for the first offense, guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, and is, for each succeeding offense, guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 13. The Division of Statutory Revision of the Joint Legislative Management Committee is directed to rename chapter 571, Florida Statutes, to be entitled "Agricultural Advertising."

Section 14. Section 571.28, Florida Statutes, as created by this act, is repealed on October 1, 2000, and the Florida Agricultural Promotional Campaign Advisory Council shall be reviewed by the Legislature pursuant to s. 11.611, Florida Statutes.

Section 15. This act shall take effect upon becoming a law.

Amendment 2—In title, on page 1, lines 1-24, strike everything before the enacting clause and insert: A bill to be entitled An act relating to agricultural advertising; creating part II of ch. 571, F.S.; amending ss. 571.01-571.10, F.S.; correcting references; creating ss. 571.21-571.29, F.S., the Florida Agricultural Promotional Campaign Act; providing legislative intent; providing definitions; providing purpose; providing duties of the Division of Marketing of the Department of Agriculture and Consumer Services; requiring participants in the campaign to register with the department; providing for fees; creating the Florida Agricultural Promotional Campaign Trust Fund; providing rulemaking authority; creating the Florida Agricultural Promotional Campaign Advisory Council; providing for appointment, organization, and responsibilities; providing for review and future repeal; specifying unlawful acts; providing an administrative fine; providing penalties; providing a directive to statute editors; providing an effective date.

On motion by Senator Thurman, by two-thirds vote HB 2549 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Bankhead	Diaz-Balart	Kirkpatrick	Souto
Beard	Dudley	Kiser	Stuart
Brown	Forman	Langley	Thomas
Bruner	Gardner	Malchon	Thurman
Casas	Girardeau	Margolis	Walker
Childers, D.	Gordon	McPherson	Weinstein
Childers, W. D.	Grant	Meek	Weinstock
Crenshaw	Grizzle	Myers	Woodson-Howard
Davis	Jennings	Peterson	
Deratany	Johnson	Plummer	

Nays—None

On motion by Senator Forman, by two-thirds vote HB 1467 was withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Forman—

HB 1467—A bill to be entitled An act relating to interpreter services for deaf persons; amending s. 90.6063, F.S.; providing that an interpreter appointed by the court for a deaf person in a civil matter is entitled to a reasonable fee for his services and to travel expenses, to be paid from general county funds; providing an effective date.

—a companion measure, was substituted for SB 252 and read the second time by title. On motion by Senator Forman, by two-thirds vote HB 1467 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Bankhead	Diaz-Balart	Kirkpatrick	Stuart
Beard	Dudley	Langley	Thomas
Brown	Forman	Malchon	Thurman
Bruner	Gardner	Margolis	Walker
Casas	Girardeau	McPherson	Weinstein
Childers, D.	Gordon	Meek	Weinstock
Childers, W. D.	Grant	Myers	Woodson-Howard
Crenshaw	Grizzle	Peterson	
Davis	Jennings	Plummer	
Deratany	Johnson	Souto	

Nays—None

Vote after roll call:

Yea—Kiser

SB 348—A bill to be entitled An act relating to the State Highway System; amending s. 339.12, F.S.; revising language with respect to aid and contribution by governmental entities for rights-of-way, construction, or maintenance; authorizing the Department of Transportation and the governing body of a governmental entity to enter into an agreement by which the governmental entity agrees to perform a project in the department's adopted work program for a road in the system which is not revenue producing; providing specific provisions; providing an effective date.

—was read the second time by title.

Senator Gardner moved the following amendment which was adopted:

Amendment 1—Strike everything after the enacting clause and insert:

Section 1. Section 332.115, Florida Statutes, is created to read:

332.115 Joint project agreement with port district for transportation corridor between airport and port facility.—

(1) An eligible agency may acquire, construct, and operate all equipment, appurtenances, and land necessary to establish, maintain, and operate, or to license others to establish, maintain, operate, or use, a transportation corridor connecting an airport operated by such eligible agency with a port facility, which corridor must be acquired, constructed, and used for the primary purpose of transporting persons and cargo between the airport and the port facility and for the location and operation of lines for the transmission of water, electricity, and petroleum products between the airport and the port facility. However, any such corridor may be established and operated only pursuant to a joint project agreement between an eligible agency as defined in s. 332.004 and a port district as defined in s. 315.02, and such agreement must be approved by the Departments of Transportation and Community Affairs. Before the Department of Transportation approves the joint project agreement, that department must review the public purpose and necessity for the corridor pursuant to s. 337.273(5) and must also determine that the proposed corridor is consistent with the Florida Transportation Plan. Before the Department of Community Affairs approves the joint project agreement, that department must determine that the proposed corridor is consistent with the applicable local government comprehensive plans. An affected local government may provide its comments regarding the consistency of the proposed corridor with its comprehensive plan to the Department of Community Affairs.

(2) A transportation corridor established pursuant to this section shall not be considered an aviation project for purposes of state funding, but shall be considered an aviation project for all other purposes.

Section 2. This act shall take effect upon becoming a law.

Senator Jennings moved the following amendment which was adopted:

Amendment 2—On page 4, between lines 23 and 24, insert:

Section 3. Pursuant to s. 11(e), Art. VII of the State Constitution, the Legislature hereby approves the acquisition and construction by the Orlando-Orange County Expressway Authority of the Southern Connector project, a limited access toll highway extending approximately 24 miles from Interstate 4 south of Orlando to the Bee Line Expressway east of Orlando, or segments or phases thereof, to be financed by revenue bonds of the Orlando-Orange County Expressway Authority. The Department of Transportation shall not enter into a covenant to complete the Southern Connector project herein approved.

Section 4. Pursuant to s. 11(e), Art. VII of the State Constitution, the Legislature hereby approves the acquisition and construction by the Seminole County Expressway Authority of a limited access toll highway beginning at the Seminole County and Orange County line in southeast Seminole County and terminating at United States Highway 17-92 in northwest Seminole County, or segments or phases thereof, to be financed by revenue bonds or to be issued by the Division of Bond Finance of the Department of General Services on behalf of the Seminole County Expressway Authority. The Department of Transportation shall not enter into a covenant to complete the Seminole County Expressway Authority project herein approved.

(Renumber subsequent section.)

Senator Brown moved the following amendment which was adopted:

Amendment 3—On page 4, between lines 23 and 24, insert:

Section 2. Subsection (1) of section 336.045, F.S., is amended to read:

336.045 Uniform minimum standards for design, construction, and maintenance; advisory committees.—

(1) The department shall develop and adopt uniform minimum standards and criteria for the design, construction, and maintenance of all public streets, roads, highways, bridges, sidewalks, curbs and curb ramps, crosswalks where feasible, bicycle ways, underpasses, and overpasses used by the public for vehicular and pedestrian traffic. The minimum standards adopted shall include a requirement that permanent curb ramps be provided at crosswalks at all intersections where curbs and sidewalks are constructed in order to give handicapped persons and persons in wheelchairs safe access to crosswalks. *The standards and criteria shall also include requirements for environmental design which provide for the compatibility of such facilities with the surrounding natural or man-made environment; the safety and security of public spaces; and the appropriate aesthetics based upon scale, color, architectural style, materials used to construct the facilities, and the landscape design and landscape materials around the facilities.*

Further consideration of **SB 348** as amended was deferred.

SB 820—A bill to be entitled An act relating to wildlife; amending s. 372.072, F.S.; defining the term "species of special concern" for purposes of a provision relating to the protection of endangered and threatened species of wildlife; authorizing the Department of Natural Resources, the Marine Fisheries Commission, and the Game and Fresh Water Fish Commission to coordinate programs with specified state agencies to conserve, protect, and replenish endangered species, threatened species, and species of special concern; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources and Conservation recommended the following amendment which was moved by Senator Gardner and adopted:

Amendment 1—On page 2, line 31, and on page 3, lines 1-3, strike all of said lines and insert: *highways to protect endangered species, threatened species, or species of special concern.*

Senator Bruner moved the following amendment:

Amendment 2—On page 3, between lines 3 and 4, insert:

Section 2. Section 372.705, Florida Statutes, is created to read:

372.705 Harassment of hunters, trappers, or fishermen.—

(1) A person may not intentionally, within a publicly or privately owned wildlife management or fish management area or on any state-owned water body:

(a) Interfere with or attempt to prevent the lawful taking of fish, game, or nongame animals by another.

(b) Attempt to disturb fish, game, or nongame animals or attempt to affect their behavior with the intent to prevent their lawful taking by another.

(2) Any person who violates subsection (1) is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(Renumber subsequent section.)

Senator Grizzle moved the following substitute amendment:

Amendment 3—On page 3, between lines 3 and 4, insert:

Section 1. Section 372.705, Florida Statutes, is created to read:

372.705 Harassment of hunters, trappers, fishermen and others.—

(1) A person may not, within any public or private wildlife management or fish management area or on any state-owned water body, intentionally:

(a) Interfere with or attempt to prevent the lawful taking of fish, game, or nongame animals by another, or interfere with or attempt to prevent other lawful activities such as wildlife photography, bird-watching, canoeing, kayaking, scientific research, or nature study.

(b) Attempt to disturb fish, game, or nongame animals or attempt to affect their behavior with the intent to prevent their lawful taking or study by another.

(2) Any person who violates subsection (1) is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Further consideration of **SB 820** with pending **Amendments 2** and **3** was deferred.

Senator W. D. Childers presiding

Recognition of President and President Pro Tempore

Senator W. D. Childers invited Senators Margolis, Scott and Meek to join him on the rostrum.

Senator W. D. Childers introduced the following guests: Mrs. Nancy Crawford, wife of the President; Mrs. Lucy Crawford, mother of the President; Dr. and Mrs. Tom Caswall, father-in-law and mother-in-law of the President; Candy Crawford, sister of the President; Kristin and Bobby Crawford, daughter and son of the President; Analda Coleman; and Harold Davis, the artist who painted the President's portrait.

On motion by Senator Thomas, a committee consisting of Senators Beard, Thurman and McPherson escorted President and Mrs. Crawford to the rostrum where Senators Scott and Margolis presented gifts to the President from the members of the Senate.

On motion by Senator Stuart, a committee consisting of Senators Davis, Souto and Brown escorted President Pro Tempore and Mrs. Girardeau to the rostrum where Senator Meek presented gifts to the President Pro Tempore from the members of the Senate.

Senator Girardeau introduced the following guests: Carolyn, his wife; Mrs. Elizabeth Nesbitt, his sister; and Girardeau Nesbitt, his nephew.

The official portrait of Senator Crawford was unveiled and presented to the Senate.

Dedication Ceremony

Senator W. D. Childers introduced the following special guests who were seated in the chamber: Dr. Charles B. Reed, Chancellor, State University System; Dr. David R. Challoner (M.D.), Vice President for Health

Affairs, University of Florida, and Chairman of the Board, Shands Hospital; Mr. Paul E. Metts (CPA), Chief Executive Officer, Shands Hospital; and Dr. James A. Alexander (M.D.), Professor and Chief, Division of Cardiovascular and Thoracic Surgery, University of Florida, College of Medicine.

The guests were invited to the rostrum where Dr. Challoner announced the dedication and naming of the Newborn Heart Transplant Program at Shands Hospital in memory of Jennifer Nicole Crawford, infant daughter of President and Mrs. Crawford, who was a patient at the hospital. An appropriate plaque will be placed at Shands Hospital acknowledging this dedication.

Motion

On motions by Senator Scott, by two-thirds vote CS for HB 2963 was withdrawn from the Committees on Judiciary-Criminal and Appropriations and placed at the end of the special order calendar.

RECESS

On motion by Senator Scott, the Senate recessed at 12:22 p.m. to reconvene at 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 2:18 p.m. A quorum present—40:

Mr. President	Deratany	Johnson	Plummer
Bankhead	Diaz-Balart	Kirkpatrick	Scott
Beard	Dudley	Kiser	Souto
Brown	Forman	Langley	Stuart
Bruner	Gardner	Malchon	Thomas
Casas	Girardeau	Margolis	Thurman
Childers, D.	Gordon	McPherson	Walker
Childers, W. D.	Grant	Meek	Weinstein
Crenshaw	Grizzle	Myers	Weinstock
Davis	Jennings	Peterson	Woodson-Howard

The Senate resumed consideration of—

SB 348—A bill to be entitled An act relating to the State Highway System; amending s. 339.12, F.S.; revising language with respect to aid and contribution by governmental entities for rights-of-way, construction, or maintenance; authorizing the Department of Transportation and the governing body of a governmental entity to enter into an agreement by which the governmental entity agrees to perform a project in the department's adopted work program for a road in the system which is not revenue producing; providing specific provisions; providing an effective date.

—which had been considered and amended this day.

On motion by Senator Beard, the Senate reconsidered the vote by which **Amendment 1** was adopted.

Senator Gardner moved the following substitute amendment which was adopted:

Substitute Amendment 1—On page 4, between lines 23 and 24, insert:

Section 2. Section 332.115, Florida Statutes, is created to read:

332.115 Joint project agreement with port district for transportation corridor between airport and port facility.—

(1) An eligible agency may acquire, construct, and operate all equipment, appurtenances, and land necessary to establish, maintain, and operate, or to license others to establish, maintain, operate, or use, a transportation corridor connecting an airport operated by such eligible agency with a port facility, which corridor must be acquired, constructed, and used for the primary purpose of transporting persons and cargo between the airport and the port facility and for the location and operation of lines for the transmission of water, electricity, and petroleum products between the airport and the port facility. However, any such corridor may be established and operated only pursuant to a joint project agreement between an eligible agency as defined in s. 332.004 and a port district as defined in s. 315.02, and such agreement must be approved by the Departments of Transportation and Community Affairs. Before the Department of Transportation approves the joint project agreement, that department must review the public purpose and necessity for the corridor

pursuant to s. 337.273(5) and must also determine that the proposed corridor is consistent with the Florida Transportation Plan. Before the Department of Community Affairs approves the joint project agreement, that department must determine that the proposed corridor is consistent with the applicable local government comprehensive plans. An affected local government may provide its comments regarding the consistency of the proposed corridor with its comprehensive plan to the Department of Community Affairs.

(2) A transportation corridor established pursuant to this section shall not be considered an aviation project for purposes of state funding, but shall be considered an aviation project for all other purposes.

(Renumber subsequent sections.)

Senator Beard moved the following amendment which was adopted:

Amendment 4—In title, on page 1, line 13, after the semicolon (;) insert: amending s. 336.045, F.S.; requiring the department to develop environmental design standards; creating s. 332.115, F.S.; authorizing an airport to enter into a joint project agreement with a port district for the purpose of establishing a transportation corridor; providing legislative approval for specific expressway projects of the Orlando-Orange County Expressway Authority and the Seminole County Expressway Authority;

On motion by Senator Beard, by two-thirds vote SB 348 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

Mr. President	Dudley	Kiser	Stuart
Beard	Forman	Malchon	Thomas
Brown	Gardner	Margolis	Thurman
Casas	Girardeau	McPherson	Walker
Childers, D.	Gordon	Meek	Weinstein
Childers, W. D.	Grizzle	Myers	Weinstock
Deratany	Jennings	Peterson	Woodson-Howard
Diaz-Balart	Johnson	Souto	

Nays—None

Vote after roll call:

Yea—Crenshaw, Grant, Kirkpatrick

CS for SB 1676—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 570.07, F.S.; specifying certain regulatory powers of the department; providing for enforcement of federal standards and orders; providing a penalty; providing for coordination of programs and provision of information to the public; amending s. 570.544, F.S.; authorizing the Division of Consumer Services of the department to seek injunctions and relief on behalf of consumers when violations of the laws relating to consumer protection may occur, when interests of consumers may be damaged, or when the public health, safety, or welfare may be endangered; requiring expedited hearings under specified circumstances; providing an effective date.

—was read the second time by title.

Senator Thurman moved the following amendments which were adopted:

Amendment 1—On page 2, between lines 28 and 29, insert:

Section 2. Paragraphs (a) and (b) of subsection (1) of section 570.23, Florida Statutes, are amended to read:

570.23 State Agricultural Advisory Council.—

(1) **COMPOSITION.**—The State Agricultural Advisory Council is hereby created in the Department of Agriculture and Consumer Services.

(a) The council shall be composed of 33 32 members with an alternate for each member. Members and their alternates shall be appointed by the commissioner. The dean for extension and the dean for research, Institute of Food and Agricultural Sciences of the University of Florida, and the Vice President for Agricultural Affairs at the University of Florida shall be nonvoting, ex officio members of the council.

(b) Membership shall include one citizen-at-large member and alternate who shall be representative of the views of the general public toward agriculture and its activities, but who is not actively engaged in any agri-

cultural pursuit, and one member and alternate qualified to represent each of the 32 31 agricultural or trade interests enumerated in this section.

1. Producers or growers who are actively engaged in the agricultural areas of:

- a. Apiary;
- b. Aquaculture;
- c. Beef cattle;
- d. Citrus;
- e. Commercial flowers;
- f. Dairy;
- g. Field crops;
- h. Foliage plants;
- i. Forestry;
- j. Grapes;
- k. Horses;
- l. Ornamental horticulture;
- m. Poultry;
- n. Seed;
- o. Swine;
- p. Tobacco;
- q. Tropical fruits;
- r. Turfgrass;
- s. Vegetables; or
- t. Watermelons.

2. Persons actively engaged in the trade of:

- a. Agricultural limestone;
 - b. Commercial feed;
 - c. Commercial fertilizer;
 - d. Commercial pesticide;
 - e. Food processing and canning, other than meat or citrus;
 - f. Independent agricultural markets;
 - g. Meat processing or packing;
 - h. Phosphate; or
 - i. Retail food stores.
3. Distributors of petroleum or petroleum products.
 4. Growers and processors of sugarcane.
 5. Licensed veterinarians.

(Renumber subsequent sections.)

Amendment 2—In title, on page 1, line 9, after the first semicolon (;) insert: amending s. 570.23, F.S.; increasing the membership of the State Agricultural Advisory Council;

On motion by Senator Thurman, by two-thirds vote CS for SB 1676 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Mr. President	Bruner	Childers, W. D.	Diaz-Balart
Beard	Casas	Crenshaw	Dudley
Brown	Childers, D.	Deratany	Forman

Gardner	Kiser	Peterson	Walker
Girardeau	Malchon	Plummer	Weinstein
Gordon	Margolis	Souto	Weinstock
Grizzle	McPherson	Stuart	Woodson-Howard
Jennings	Meek	Thomas	
Johnson	Myers	Thurman	

Nays—None

Vote after roll call:

Yea—Grant, Kirkpatrick

CS for SB 664—A bill to be entitled An act relating to education; creating s. 229.559, F.S.; requiring each public school district to collect students' social security numbers and begin using social security numbers as standard identification numbers by the 1991-1992 school year; providing exceptions; requiring a progress report; amending s. 228.093, F.S.; providing that a student's social security number included in school records is protected from public scrutiny; providing an effective date.

—was read the second time by title.

Senator Peterson moved the following amendments which were adopted:

Amendment 1—On page 1, line 16, insert:

Section 1. Section 240.118, Florida Statutes, is amended to read:

240.118 Postsecondary feedback of information to high schools.—

(1) On or before January 1, 1991 ~~1984~~, the State Board of Education shall adopt rules ~~that require authorizing each state university, and each public community college, and each public postsecondary vocational school to report to the Commissioner of Education each school district on the performance of each first-time-in-college student the students from each public high school in this state that school district who is are enrolled in a at the state university, or public community college, or public postsecondary vocational school. Such reports shall be submitted each term and shall include performance information on both regular and preparatory courses or programs and shall indicate students referred for remediation through to college or vocational preparatory programs or courses.~~

(2) The State Board of Education shall report to the Legislature, no later than March 1 of each year, on the number of first-time-in-college Florida high school graduates, by high school, who enrolled in public postsecondary education in this state and the number referred for remediation through to college or vocational preparatory programs during the previous summer or fall term.

(3) The commissioner shall organize the student-level records by school district and public high school in which the public postsecondary education students were enrolled and report the information to each school district in time for the district and high school to prepare the reports required by s. 229.575.

Section 2. Section 229.575, Florida Statutes, is amended to read:

229.575 Reporting procedures.—

(1) **COMMISSIONER'S REPORT.**—The commissioner shall annually report the status of the state system of public education. All reports shall be received by the school districts prior to their release to the general public. Such reports shall contain:

(a) Information about how well district instructional programs enable students to meet the minimum performance standards.

(b) Comparative numerical rankings and other appropriate analyses of this state with other states based on the nationally normed testing program specified in s. 233.011(4).

(c) Comparative numerical rankings and other appropriate analyses of districts and regions within the state based on the nationally normed testing program specified in s. 233.011(4) and student performance pursuant to ss. 232.2454(1) and 229.565(1) and (2).

(d) Results of educational program evaluations, including the performance of high school graduates who enroll in public universities, community colleges, or postsecondary vocational institutions in this state.

(e) Information about the needs of education.

(f) Areas of immediate and long-range concern to state and district education decision makers.

(g) Recommendations for action.

(h) Information on policy decisions.

(i) Any other information and analyses which explain or clarify the status of the state system of public education.

(j) The comparisons required by s. 229.57.

(k) *The high school completion rate of the state compared to that of other states and the high school completion rate of each district in the state. Students who withdraw from high school to attend adult education programs shall be reported separately and shall not be counted as high school completers unless they have earned a high school diploma or its equivalent or a certificate of completion.*

The commissioner's annual report shall be presented to the Legislature prior to the convening of each regular session and shall be made available to the general public and the citizens of this state through all appropriate means.

(2) **DISTRICT REPORT.**—Each district shall annually report on the status of education in the district. Such report shall contain:

(a) Information about how well school instructional programs enable students to meet the minimum performance standards.

(b) Comparative numerical rankings and other appropriate analyses of this state with other states based on the nationally normed testing program specified in s. 233.011(4).

(c) Comparative numerical rankings and other appropriate analyses of districts and regions within the state based on the nationally normed testing program specified in s. 233.011(4) and student performance pursuant to ss. 232.2454(1) and 229.565(1) and (2).

(d) Comparative numerical rankings and other appropriate analyses of schools within the district based on the nationally normed testing program specified in s. 233.011(4) and student performance pursuant to ss. 232.2454(1) and 229.565(1) and (2).

(e) *Comparisons of the performance in public postsecondary education of graduates of the high schools in the district. Such comparisons shall include the ratio of graduates enrolled in public postsecondary education to the total number of graduates and to the number of graduates who were referred for remediation through college preparatory or vocational preparatory programs. A report may not identify individual students.*

(f)(e) Information on student attendance; dropouts, including an analysis of progress made toward identifying potential dropouts and remedying the problem; incidents of corporal punishment; in-school and out-of-school suspensions; and expulsions. Such information shall include a breakdown by sex and race. When reporting school dropouts in accordance with this requirement, the number of students counted as dropouts who are transient students because their parents or legal guardians either are part of the seasonal migrant labor force or are part-time residents of this state shall be separately indicated. *The number of students who transferred to adult education programs shall also be separately reported. Such students shall be counted as dropouts for purposes of this calculation, unless the district verifies that they have received an adult high school diploma or its equivalent.* The State Board of Education shall prescribe by rule the nature of information required and the manner and format for reporting such information.

(g)(f) Results of program evaluations.

(h)(g) Information about the needs of education in the district.

(i)(h) Information on district policy decisions.

(j)(i) Any other information and analyses which explain or clarify the status of education in the district, including a comparison of statistical trends from the prior year.

The district annual report shall be made available to the general public and the citizens of the district, to each school in the district, and to appropriate local news media.

(3) **SCHOOL REPORT.**—Each school shall report annually on its status of education. Such report shall be based upon information for the prior school year and shall contain:

(a) Information on how well the school is meeting its goals and objectives.

(b) Interpretation and analysis of student progress, including information on how well students are achieving the minimum performance standards.

(c) Comparative numerical rankings and other appropriate analyses of this state with other states based on the nationally normed testing program specified in s. 233.011(4).

(d) Comparative numerical rankings and other appropriate analyses of districts and regions within the state based on the nationally normed testing program specified in s. 233.011(4) and student performance pursuant to ss. 232.2454(1) and 229.565(1) and (2).

(e) Comparative numerical rankings and other appropriate analyses of schools within the district based on the nationally normed testing program specified in s. 233.011(4) and student performance pursuant to ss. 232.2454(1) and 229.565(1) and (2).

(f) *Comparisons of the performance in public postsecondary education of graduates of the high schools in the district. Such comparisons shall specify the ratio of graduates enrolled in public postsecondary education to the total number of graduates and to the number of graduates who were referred for remediation through college preparatory or vocational preparatory programs. A report may not identify individual students.*

(g)(f) Information on student attendance; dropouts, including an analysis of progress made toward identifying potential dropouts and remedying the problem; incidents of corporal punishment; in-school and out-of-school suspensions; and expulsions. Such information shall include a breakdown by sex and race. When reporting school dropouts in accordance with this requirement, the number of students counted as dropouts who are transient students because their parents or legal guardians either are part of the seasonal migrant labor force or are part-time residents of this state shall be separately indicated. *The number of students who transferred to adult education programs shall also be separately reported. Such students shall be counted as dropouts for purposes of this calculation, unless the school verifies that they have received an adult high school diploma or its equivalent.* The principal or his designated representative is responsible for including such information and analysis in the report. The State Board of Education shall prescribe by rule the nature of information required and the manner and format for reporting such information.

(h)(g) Fiscal information, including the school budget.

(i)(h) Information on the needs of the school and its students.

(j)(i) Summaries of teacher, student, parent, and community attitudes toward the school.

(k)(j) Any other information and analyses which explain or clarify the status of education, including a comparison of statistical trends from the prior year.

The principal, with the assistance of teachers, students, and the school advisory committee, where existing, shall prepare the report which shall be published by November 1 each school year beginning with the 1977-1978 school year. The report shall be reproduced and distributed at the least possible cost and may be issued in a series or as part of existing school publications. The report shall be distributed to the parent or guardian of each student in the school and made available to all other interested citizens upon request.

(Renumber subsequent sections.)

Amendment 2—On page 1, line 16, insert:

Section 1. Elderly Education Program Grants.—

(1) Contingent upon annual funding by the Legislature, the Department of Education shall administer a grant program for planned non-credit instructional activities or programs for adults who are 65 years of age or older. Any instructional activity or program provided according to this section must have an innovative format that would make it difficult

or impossible to register students and calculate them for reporting for funding through the Florida Education Finance Program or the Community College Program Fund. Eligible activities include but are not limited to seminars, publications, public service presentations, and multi-media events. People under 65, especially families and caretakers of older people, may be included in activities provided by the program if those activities are designed expressly to benefit people over 65.

(2) The State Board of Education shall adopt rules to govern the distribution of funds, administration procedures, and evaluation of the Elderly Education Program. The rules shall include at least the following provisions:

(a) Content of requests from school districts and community colleges.

(b) Methods of enhancing cooperative ventures among school districts, community colleges, public and private community service agencies, and agencies with special missions or statewide jurisdiction such as public universities, Developmental Research Schools, and the Florida School for the Deaf and the Blind.

(c) Guidelines for the Commissioner of Education to award grants for the program.

(d) The method of distributing funds for the program equitably statewide and among school districts and community colleges. This method shall include provisions for assuring cooperation among community colleges and school districts serving the same population of older people.

(e) Maximum administrative cost.

(f) Requirements for oversight and evaluation, which may include participation by state-level advocacy groups.

(Renumber subsequent sections.)

Amendment 3—On page 1, line 25, strike “may” and insert: shall

Amendment 4—On page 1, line 29, strike the semicolon (;) and insert: or

Amendment 5—On page 1, lines 29-31, and on page 2, line 1, strike “; or a notarized statement signed by the student’s parent or guardian, or by the student if he is 18 years or older, that his social security number is not available to the school district”

Amendment 6—In title, on page 1, line 2, after the semicolon (;) insert: creating an Elderly Education Program; requiring the Department of Education to administer the program of noncredit activities; providing eligibility of grant recipients and participants; requiring the State Board of Education to adopt rules to implement the program;

Amendment 7—In title, on page 1, line 2, after the semicolon (;) insert: amending s. 240.118, F.S.; requiring the State Board of Education to adopt rules which require state universities, public community colleges, and public postsecondary vocational schools to report to the Commissioner of Education with respect to the performance of certain students; requiring the State Board of Education to report to the Legislature with respect to the number of high school graduates referred for remediation through preparatory programs; providing duties of the Commissioner of Education; amending s. 229.575, F.S.; requiring the Commissioner of Education’s annual report to contain certain information about high school graduates who enroll in public postsecondary educational institutions and about the high school completion rate in the state; requiring each school district’s annual report to include certain information about its graduates’ performance and about transfers to adult education programs and preparatory programs; requiring each school’s annual report to include information about its graduates’ performance and about transfers to adult education programs and preparatory programs;

On motion by Senator Peterson, by two-thirds vote CS for SB 664 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Casas	Deratany	Girardeau
Bankhead	Childers, D.	Diaz-Balart	Gordon
Beard	Childers, W. D.	Dudley	Grizzle
Brown	Crenshaw	Forman	Jennings
Bruner	Davis	Gardner	Johnson

Kirkpatrick	Meek	Stuart
Kiser	Myers	Thomas
Malchon	Peterson	Thurman
Margolis	Plummer	Walker
McPherson	Souto	Weinstein

Nays—None

Vote after roll call:

Yea—Grant

Consideration of CS for SB 788 and CS for SB 998 was deferred.

CS for SB 20—A bill to be entitled An act relating to drug abuse prevention and control; amending s. 893.13, F.S.; providing penalties for the sale, purchase, manufacture, or delivery of a controlled substance within 1,000 feet of a day care facility, playground, public or private youth center, or public swimming pool, or within 100 feet of a video arcade facility; providing definitions; providing an effective date.

—was read the second time by title.

Senator Weinstein moved the following amendments which were adopted:

Amendment 1—On page 1, line 23, after “private” insert: *kindergarten*,

Amendment 2—In title, on page 1, line 8, after “pool,” insert: including a minimum mandatory penalty for the commission of such acts within 1,000 feet of a kindergarten,

Amendment 3—In title, on page 1, line 9, after “facility,” insert: clarifying the reference to gain-time under s. 944.275, F.S., for purposes of drug offenses committed within 1,000 feet of school premises which constitute first degree felonies;

On motion by Senator Weinstein, by two-thirds vote CS for SB 20 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Johnson	Plummer
Bankhead	Diaz-Balart	Kirkpatrick	Stuart
Beard	Dudley	Kiser	Thomas
Brown	Forman	Langley	Thurman
Bruner	Gardner	Malchon	Walker
Casas	Girardeau	Margolis	Weinstein
Childers, D.	Gordon	McPherson	Weinstock
Childers, W. D.	Grant	Meek	Woodson-Howard
Crenshaw	Grizzle	Myers	
Davis	Jennings	Peterson	

Nays—None

CS for SB 998—A bill to be entitled An act relating to education; amending s. 228.086, F.S.; providing that museums of science may establish regional centers of excellence in mathematics, science, computers, and technology; revising provisions relating to the reporting and coordinating regions of the Department of Education in which centers shall be located; providing an effective date.

—was read the second time by title. On motion by Senator Gordon, by two-thirds vote CS for SB 998 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz-Balart	Kirkpatrick	Souto
Bankhead	Dudley	Kiser	Stuart
Beard	Forman	Langley	Thomas
Brown	Gardner	Malchon	Thurman
Bruner	Girardeau	Margolis	Walker
Casas	Gordon	McPherson	Weinstein
Childers, D.	Grant	Meek	Weinstock
Childers, W. D.	Grizzle	Myers	Woodson-Howard
Crenshaw	Jennings	Peterson	
Davis	Johnson	Plummer	

Nays—None

Vote after roll call:

Yea—Deratany

CS for SB's 1674 and 1016—A bill to be entitled An act relating to law enforcement officers, correctional officers, and firefighters; amending s. 112.19, F.S.; providing definitions; increasing death benefits for law enforcement officers; providing for educational expenses for the children of deceased officers; providing for rules; repealing s. 112.1904, F.S., relating to death benefits for law enforcement officers unlawfully and intentionally killed in the performance of duty; amending s. 112.191, F.S.; providing definitions; providing that for the purpose of benefits under said section the firefighter must have been certified and employed full-time; increasing death benefits with respect to firefighters; providing for educational expenses for the children of deceased firefighters; providing for rules; repealing s. 112.1914, F.S., relating to death benefits for firefighters unlawfully and intentionally killed in the performance of duties; amending ss. 175.201 and 185.21, F.S.; conforming to the act; repealing s. 240.235(3), F.S., relating to educational benefits of special risk members; providing an effective date.

—was read the second time by title.

Senator Thurman moved the following amendments which were adopted:

Amendment 1—On page 1, between lines 29 and 30, insert:

Section 3. Paragraphs (c) and (e) of subsection (3) of section 447.208, Florida Statutes, is amended to read:

447.208 Procedure with respect to certain appeals under s. 447.207.—

(3) With respect to hearings relating to suspensions or dismissals pursuant to the provisions of this section:

(c) Upon a finding that just cause for disciplinary action existed, but did not justify the severity of the action taken, the commission may, in its limited discretion:

1. Reduce a dismissal to a suspension for such time as the commission may fix; or

2. Reduce the period of a suspension; or

3. Reduce a suspension to a written reprimand.

(e)1. Any order of the commission issued pursuant to this subsection may include back pay, if applicable, and an amount, to be determined by the commission and paid by the agency, for reasonable attorney's fees, witness fees, and other out-of-pocket expenses incurred during the prosecution of an appeal against an agency in which the commission sustains the employee.

2. Any order of the commission issued pursuant to this subsection may direct that an agency prominently place on the face of a final disciplinary action notice the statement, “voided on appeal” or “discipline mitigated on appeal.”

(Renumber subsequent sections.)

Amendment 2—On page 13, line 12, after “law” insert: , except that section 1 shall take effect October 1, 1990

Further consideration of CS for SB's 1674 and 1016 as amended was deferred.

SB 1554—A bill to be entitled An act relating to traffic control; amending s. 316.1935, F.S.; increasing the penalty for fleeing or attempting to elude a police officer; amending s. 316.1936, F.S.; increasing the penalty for an operator who is in possession of an open container of alcoholic beverages in a motor vehicle; amending ss. 316.655, 318.17, F.S., to conform; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote SB 1554 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Brown	Childers, D.	Davis
Bankhead	Bruner	Childers, W. D.	Deratany
Beard	Casas	Crenshaw	Diaz-Balart

Forman	Johnson	Myers	Walker
Gardner	Kirkpatrick	Peterson	Weinstein
Gordon	Kiser	Plummer	Weinstock
Grant	Langley	Stuart	Woodson-Howard
Grizzle	Malchon	Thomas	
Jennings	Margolis	Thurman	

Nays—2

Girardeau Meek

Vote after roll call:

Yea—Dudley

CS for SB's 1120 and 2610—A bill to be entitled An act relating to victims of crimes; amending s. 960.001, F.S.; authorizing presence of a victim advocate during depositions of a victim; providing that guidelines adopted under said section also apply to crimes or delinquent acts committed by minors; creating s. 960.003, F.S.; providing intent; providing that a victim has a right to be present throughout judicial proceedings, notwithstanding provisions excluding witnesses; providing circumstances for removal of victim; amending s. 960.01, F.S.; revising applicability of short title; amending s. 960.03, F.S.; redefining "crime" for purposes of victims' rights and crimes compensation; providing applicability of definitions; amending s. 960.04, F.S.; revising eligibility for crimes compensation awards; amending s. 39.12, F.S.; providing that victims and certain others may examine records of juvenile delinquency proceedings; amending s. 39.408, F.S.; requiring that the victim and certain others receive notice of hearings in dependency cases; amending s. 119.07, F.S.; providing confidentiality of specified information contained in victim impact statements; providing for future review and repeal; amending s. 415.508, F.S.; specifying when a guardian ad litem must be appointed in child abuse or neglect cases; specifying powers and duties of the guardian ad litem; amending s. 918.16, F.S.; providing that victim or witness advocates may be present when a person under age 16 testifies concerning a sex offense; amending s. 921.001, F.S.; expanding the Sentencing Commission; providing for appointment of a victim advocate member; amending s. 947.146, F.S.; providing for examination of victim impact statements by the Control Release Authority; requiring the Executive Office of the Governor to study and report on specified issues; providing an appropriation; amending s. 960.13, F.S.; offsetting payments made by offenders to victims from victim compensation awards under certain circumstances; reenacting s. 960.07(1), F.S., to incorporate the amendment to s. 960.04, F.S., in a reference thereto; providing an effective date.

—was read the second time by title.

Senator Thurman moved the following amendments which were adopted:

Amendment 1—On page 4, strike all of lines 7-28 and insert:

(2) **VICTIM, OTHERS MAY NOT BE EXCLUDED FROM PROCEEDINGS; EXCEPTION.**—A victim or a victim's witness, guardian, advocate, family member, or other representative is entitled to be present in any court exercising jurisdiction over the offense committed against the victim and may not be excluded from any portion of any hearing or trial pertaining to the offense based on the fact that such person is subpoenaed to testify, unless, upon motion, the court determines such person's presence to be prejudicial.

Amendment 2—In title, on page 1, strike all of lines 8-12 and insert: providing intent; prescribing rights of victims and specified other persons to be present during proceedings; prescribing circumstances under which such persons may be excluded; amending s. 960.01,

Further consideration of **CS for SB's 1120 and 2610** as amended was deferred.

Consideration of **CS for SB 1004** was deferred.

SB 912—A bill to be entitled An act relating to the Florida RICO (Racketeer Influenced and Corrupt Organization) Act; amending s. 895.02, F.S.; providing the keeping of a gambling house as an additional predicate crime constituting racketeering activity, and reenacting ss. 27.34(1), 655.50(3)(g), and 896.101(1)(g), F.S., relating to state attorneys' offices, money laundering, and financial transaction offenses, to incorporate said amendment in references thereto; amending s. 895.05, F.S.; defining property and the use thereof subject to forfeiture; providing for forfeiture of substituted assets; providing for the filing of a notice of

RICO lien when the property is used to facilitate the commission of proscribed conduct, and reenacting ss. 16.53(3), (4)(a), and (5), 27.345(1), 895.02(6) and (12), and 895.09(1), (2)(a), and (5), F.S., relating to the Legal Affairs Revolving Trust Fund, reimbursement of state attorney expenses, and disposition of funds obtained through RICO forfeiture proceedings, to incorporate said amendment in references thereto; amending s. 895.06, F.S.; providing for the sealing of a nondisclosure order of the court and provision of a copy thereof to the investigative agency; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Criminal recommended the following amendment which was moved by Senator Johnson and adopted:

Amendment 1—On page 4, line 23, strike "*whole or*" and insert: *whole of*

On motion by Senator Johnson, by two-thirds vote SB 912 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Johnson	Scott
Bankhead	Diaz-Balart	Kirkpatrick	Souto
Beard	Dudley	Kiser	Stuart
Brown	Forman	Langley	Thomas
Bruner	Gardner	Malchon	Thurman
Casas	Girardeau	Margolis	Walker
Childers, D.	Gordon	McPherson	Weinstock
Childers, W. D.	Grant	Meek	Woodson-Howard
Crenshaw	Grizzle	Peterson	
Davis	Jennings	Plummer	

Nays—None

Senator W. D. Childers presiding

On motions by Senator Jennings, by two-thirds vote—

HB 3733—A bill to be entitled An act relating to clinical, counseling, psychotherapy, and psychological services; amending s. 455.241, F.S.; requiring clinical, counseling, and psychotherapy practitioners to provide copies of reports to patients on request; amending s. 455.26, F.S.; modifying the composition of the Impaired Practitioners Committee; amending s. 490.012, F.S., and creating s. 491.0149, F.S.; requiring display of title and license number in advertisements; making ch. 490, F.S., a practice act; amending ss. 490.014 and 491.014, F.S.; providing exemptions from application of chs. 490 and 491, F.S.; creating s. 490.0144, F.S.; providing continuing education requirements for alcohol or substance abuse therapists; providing for rules of the Board of Psychological Examiners; creating s. 491.0144, F.S.; providing continuing education requirements for alcohol or substance abuse therapists; providing for rules of the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling; amending s. 491.003, F.S.; defining "clinical social work experience" and "psychotherapist"; amending s. 491.005, F.S.; revising requirements for licensure of clinical, counseling, and psychotherapy practitioners by examination; providing for reexamination of certain practitioners; amending s. 491.006, F.S.; revising requirements for licensure by endorsement; amending 491.008, F.S.; providing procedures for placement of licensees in voluntary or involuntary inactive status; amending s. 491.009, F.S.; prescribing procedures in certain disciplinary proceedings; creating s. 491.0095, F.S.; providing for treatment programs for impaired practitioners; amending s. 491.012, F.S.; providing violations of ch. 491, F.S.; providing a penalty; providing for injunction; creating s. 491.0148, F.S.; requiring certain recordkeeping; providing for rules; amending s. 491.015, F.S.; revising rulemaking authority of the Department of Professional Regulation; providing for rules relating to certified master social workers; amending s. 491.035, F.S.; deleting obsolete language; providing for future repeal of ss. 490.014(2)(a) and 491.014(4)(a), F.S., relating to exemption from application of chs. 490 and 491, F.S., for employees of certain agencies, facilities, or institutions; saving ch. 491, F.S., from Sunset repeal; providing for future review and repeal; providing an effective date.

—a companion measure, was substituted for CS for SB 788 and by two-thirds vote read the second time by title.

Senator Jennings moved the following amendments which were adopted:

Amendment 1—On page 5, strike line 5 and insert: Florida Statutes, are amended and subsection (3) and (4) are added to said section to read:

Amendment 2—On page 6, strike all of lines 3-5 and insert:

(3) *No provision of this chapter shall be construed to limit the practice of any individual who solely engages in behavior analysis so long as he does not hold himself out to the public as possessing a license issued pursuant to this chapter or use a title protected by this chapter.*

Amendment 3—On page 6, strike all of lines 8-16 and renumber subsequent sections.

Amendment 4—On page 38, strike all of lines 20-22 and insert:

(5) *No provision of this chapter shall be construed to limit the practice of any individual who solely engages in behavior analysis so long as he does not hold himself out to the public as possessing a license issued pursuant to this chapter or use a title protected by this chapter.*

Amendment 5—On page 38, lines 25-31, and on page 39, lines 1 and 2, strike all of said lines

Amendment 6—On page 41, strike all of lines 13-17 and insert: experience requirement set out in ss. 491.005(1)(c), 491.005(3)(2)(c), 491.005(4)(2)(c), and 491.0145(3) may be at the pre-master's level.

Amendment 7—In title, on page 1, strike all of lines 15-24 and insert: 491, F.S.; amending

Amendment 8—In title, on page 2, strike all of lines 18-22 and insert: language; revising experience requirement for certain applicants; saving ch. 491;

On motion by Senator Jennings, by two-thirds vote HB 3733 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Bankhead	Diaz-Balart	Kirkpatrick	Souto
Beard	Dudley	Kiser	Stuart
Brown	Forman	Langley	Thomas
Bruner	Gardner	Malchon	Thurman
Casas	Girardeau	Margolis	Walker
Childers, D.	Gordon	McPherson	Weinstein
Childers, W. D.	Grant	Meek	Weinstock
Crenshaw	Grizzle	Myers	Woodson-Howard
Davis	Jennings	Peterson	
Deratany	Johnson	Plummer	

Nays—None

Reconsideration

On motion by Senator Thurman, the Senate reconsidered the vote by which—

HB 2549—A bill to be entitled An act relating to agricultural advertising; creating part II of ch. 571, F.S.; amending ss. 571.01-571.10, F.S.; correcting references; creating ss. 571.21-571.30, F.S., the Florida Agricultural Promotional Campaign Act; providing legislative intent; providing definitions; providing purpose; providing duties of the Division of Marketing of the Department of Agriculture and Consumer Services; requiring participants in the campaign to register with the department; providing for fees; creating the Florida Agricultural Promotional Campaign Trust Fund; providing rulemaking authority; creating the Florida Agricultural Promotional Campaign Advisory Council; providing for appointment, organization, and responsibilities; specifying unlawful acts; providing an administrative fine; providing penalties; creating an Advertising Interagency Coordinating Council; providing for future repeal; providing a directive to statute editors; providing for review and repeal; providing an effective date.

—as amended passed this day.

On motion by Senator Thurman, by two-thirds vote the Senate reconsidered the vote by which HB 2549 was read the third time.

On motion by Senator Thurman, the Senate reconsidered the vote by which **Amendments 1 and 2** were adopted. By permission, **Amendments 1 and 2** were withdrawn.

Senator Thurman moved the following amendments which were adopted:

Amendment 3—On page 1, line 27, insert:

Section 1. Effective upon becoming a law, subsection (2) of section 570.07, Florida Statutes, is amended and subsection (31) is added to said section to read:

570.07 Department of Agriculture and Consumer Services; functions, powers, and duties.—The department shall have and exercise the following functions, powers, and duties:

(2) To perform all regulatory and inspection services relating to agriculture except agricultural education, demonstration, research, and those regulatory functions relating primarily to the protection of the public health or assigned by law to other state agencies. In the pursuit hereof, the department may:

(a) *Inspect for violations of and enforce all federal standards as adopted and in effect on January 1, 1990, which were adopted for uniform application to protect the public health, safety, and welfare.*

(b) *Enforce federal marketing orders when identified in a cooperative agreement between the department and the United States Department of Agriculture.*

(c) *Apply generally accepted analytical technologies and validated methods in determining compliance with federal standards enforced pursuant to this subsection, statutes, and rules of the department.*

(d) *Impose a fine, as provided in s. 500.121, for a violation of a federal standard enforced pursuant to this subsection provided that in imposing any fine or sanction, whether authorized by this paragraph or by any other law, the department shall consider the degree and extent of harm caused by the violation, the cost of rectifying the damage, the amount of monetary benefit to the violator, whether the violation was willful, and the violator's compliance record.*

(31) *In performance of its statutorily assigned duties, powers, and responsibilities, to coordinate its programs in such a manner as to maximize the efficient and strategic use of its resources and, where appropriate, to provide such information to the consuming public in such manner as the department deems necessary and as will facilitate such coordination.*

Section 2. Subsection (11) is added to section 570.544, Florida Statutes, to read:

570.544 Division of Consumer Services; director; powers; processing of complaints; records.—

(11) *If the division by its own inquiry, or as a result of complaints, has reason to believe that a violation of the laws of the state relating to consumer protection has occurred or is occurring, that the interests of the consumers of this state have been damaged or are being damaged, or that the public health, safety, or welfare is endangered or is likely to be endangered by any consumer product or service sold at retail, the division may commence legal proceedings in circuit court to enjoin such act or practices or the sale of such product or service and may seek appropriate relief on behalf of such consumers. Upon application by the division, a hearing shall be held within 3 days after the commencement of such proceedings.*

(Renumber subsequent sections.)

Amendment 4—On page 11, strike all of lines 29 and 30 and insert:

Section 15. Except as otherwise provided in this act, this act shall take effect January 1, 1991.

Amendment 5—In title, on page 1, strike line 2 and insert: An act relating to agriculture; amending s. 570.07, F.S.; specifying certain regulatory powers of the Department of Agriculture and Consumer Services; providing for enforcement of federal standards and orders; providing a penalty; providing for coordination of programs and provision of information to the public; amending s. 570.544, F.S.; authorizing the Division of Consumer Services of the department to seek injunctions and relief on behalf of consumers when violations of the laws relating to consumer protection may occur, when interests of consumers may be damaged, or when the public health, safety, or welfare may be endangered; requiring expedited hearings under specified circumstances;

On motion by Senator Thurman, by two-thirds vote HB 2549 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Bankhead	Diaz-Balart	Kirkpatrick	Plummer
Beard	Dudley	Kiser	Souto
Brown	Forman	Langley	Stuart
Bruner	Gardner	Malchon	Thomas
Casas	Girardeau	Margolis	Thurman
Childers, D.	Gordon	McPherson	Walker
Childers, W. D.	Grant	Meek	Weinstein
Davis	Grizzle	Myers	Woodson-Howard
Deratany	Johnson	Peterson	

Nays—None

On motion by Senator Forman, by two-thirds vote CS for HB 1393 was withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Forman—

CS for HB 1393—A bill to be entitled An act relating to admissibility of evidence; amending s. 794.022, F.S.; providing for inadmissibility of evidence relating to the manner in which a victim of sexual battery is dressed, and reenacting s. 90.404(1)(b)1., F.S., relating to admissibility of character evidence, to incorporate said amendment in a reference thereto; providing an effective date.

—a companion measure, was substituted for CS for SB 600 and read the second time by title.

Further consideration of **CS for HB 1393** was deferred.

CS for CS for CS for SB 114—A bill to be entitled An act relating to mobile homes and recreational vehicles; creating s. 320.78, F.S.; establishing the Mobile Home and Recreational Vehicle Protection Trust Fund; providing for the collection of fees for title transactions and dealer and manufacturer license renewals to be deposited in the trust fund; authorizing investment and reinvestment of trust fund revenues; authorizing the use of the trust funds to satisfy judgments against mobile home or recreational vehicle dealers or brokers for certain damages, restitution, and expenses, including reasonable attorney's fees; providing that any person or his agent who files a notice, statement, or other document required under the provisions of this section which is false or contains any material misstatement of fact is guilty of a misdemeanor of the second degree; providing for punishment of such individuals; providing an appropriation; providing an effective date.

—was read the second time by title. On motion by Senator Dudley, by two-thirds vote CS for CS for CS for SB 114 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Bankhead	Diaz-Balart	Kirkpatrick	Scott
Beard	Dudley	Kiser	Stuart
Brown	Forman	Langley	Thomas
Bruner	Gardner	Malchon	Thurman
Casas	Girardeau	Margolis	Walker
Childers, D.	Gordon	McPherson	Weinstein
Childers, W. D.	Grant	Meek	Weinstock
Crenshaw	Grizzle	Myers	Woodson-Howard
Davis	Jennings	Peterson	
Deratany	Johnson	Plummer	

Nays—None

Vote after roll call:

Yea—Souto

Ruling on Points of Order on HB 1645

Senator Scott reported that at the request of the President he had appointed a committee to review the points of order raised by Senators Dudley and Langley on Amendment 1 to HB 1645 on May 28.

He further reported that the committee had determined that the amendment was germane and that the amendment was not the substance of a bill which had not been reported by a Senate committee, and the amendment was therefore in order.

The President ruled the points of order not well taken.

Senator Gordon moved that pending Amendment 1 to HB 1645 be taken up.

The President requested that Senator Scott advise him on whether or not the bill was back before the Senate.

The Senate resumed consideration of—

CS for HB 1393—A bill to be entitled An act relating to admissibility of evidence; amending s. 794.022, F.S.; providing for inadmissibility of evidence relating to the manner in which a victim of sexual battery is dressed, and reenacting s. 90.404(1)(b)1., F.S., relating to admissibility of character evidence, to incorporate said amendment in a reference thereto; providing an effective date.

On motion by Senator Forman, by two-thirds vote CS for HB 1393 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Deratany	Johnson	Plummer
Bankhead	Diaz-Balart	Kirkpatrick	Scott
Beard	Dudley	Kiser	Souto
Brown	Forman	Langley	Stuart
Bruner	Gardner	Malchon	Thomas
Casas	Girardeau	Margolis	Thurman
Childers, D.	Gordon	McPherson	Walker
Childers, W. D.	Grant	Meek	Weinstein
Crenshaw	Grizzle	Myers	Weinstock
Davis	Jennings	Peterson	Woodson-Howard

Nays—None

Reconsideration

On motion by Senator Thurman, the Senate reconsidered the vote by which—

CS for SB 1304—A bill to be entitled An act relating to dealers of agricultural products; amending s. 604.19, F.S.; increasing the amount the Department of Agriculture and Consumer Services may charge as a license fee for agricultural products dealers; amending s. 604.20, F.S.; increasing the amount of the bond or certificate of deposit required from applicants for such a license; amending s. 604.21, F.S.; providing conditions for filing complaints against licensed dealers of agricultural products; amending s. 604.22, F.S.; correcting a cross-reference; reviving and readopting provisions of ch. 604, F.S., notwithstanding repeals scheduled under the Regulatory Sunset Act; providing for future legislative review and repeal of such provisions; providing an effective date.

—passed this day.

On motions by Senator Thurman, by two-thirds vote HB 3607 was withdrawn from the Committees on Agriculture; Finance, Taxation and Claims; and Appropriations.

On motions by Senator Thurman, by two-thirds vote—

HB 3607—A bill to be entitled An act relating to agricultural products dealers; amending s. 604.19, F.S.; increasing the maximum license fee for a dealer's principal place of business; amending s. 604.20, F.S.; increasing the minimum bond or certificate of deposit required for licensure as a dealer; amending s. 604.21, F.S.; modifying the procedure for filing complaints against dealers; limiting complaints that may be filed; amending s. 604.22, F.S.; deleting an obsolete reference; amending s. 604.25, F.S.; modifying grounds for disciplinary action; amending s. 604.30, F.S.; revising provisions for injunctive relief; authorizing issuance of cease and desist orders; reenacting s. 604.33, F.S., confirming language added by statute editors; amending s. 604.34, F.S.; revising period for payment by grain dealers; saving ss. 604.15, 604.151, 604.16, 604.17, 604.18, 604.19, 604.20, 604.21, 604.211, 604.22, 604.23, 604.25, 604.27, 604.28, 604.29, 604.30, 604.32, 604.33, and 604.34, F.S., from Sunset repeal; providing for future review and repeal; providing an effective date.

—a companion measure, was substituted for CS for SB 1304 and by two-thirds vote read the second time by title. On motion by Senator Thurman, by two-thirds vote HB 3607 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Kirkpatrick	Scott
Beard	Dudley	Kiser	Souto
Brown	Forman	Langley	Stuart
Bruner	Gardner	Malchon	Thomas
Casas	Girardeau	Margolis	Thurman
Childers, D.	Gordon	McPherson	Walker
Childers, W. D.	Grant	Meek	Weinstein
Crenshaw	Grizzle	Myers	Weinstock
Davis	Jennings	Peterson	Woodson-Howard
Deratany	Johnson	Plummer	

Nays—None

SB 964—A bill to be entitled An act relating to interior designers; amending s. 481.215, F.S., relating to license renewal; modifying continuing education requirements; providing an effective date.

—was read the second time by title. On motion by Senator Grant, by two-thirds vote SB 964 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Bankhead	Deratany	Kirkpatrick	Scott
Beard	Diaz-Balart	Kiser	Souto
Brown	Dudley	Langley	Stuart
Bruner	Forman	Margolis	Thomas
Casas	Gardner	McPherson	Thurman
Childers, D.	Girardeau	Meek	Walker
Childers, W. D.	Grant	Myers	Weinstein
Crenshaw	Grizzle	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Gordon

Consideration of **SB 928** was deferred.

The Senate resumed consideration of—

CS for SB's 1674 and 1016—A bill to be entitled An act relating to law enforcement officers, correctional officers, and firefighters; amending s. 112.19, F.S.; providing definitions; increasing death benefits for law enforcement officers; providing for educational expenses for the children of deceased officers; providing for rules; repealing s. 112.1904, F.S., relating to death benefits for law enforcement officers unlawfully and intentionally killed in the performance of duty; amending s. 112.191, F.S.; providing definitions; providing that for the purpose of benefits under said section the firefighter must have been certified and employed full-time; increasing death benefits with respect to firefighters; providing for educational expenses for the children of deceased firefighters; providing for rules; repealing s. 112.1914, F.S., relating to death benefits for firefighters unlawfully and intentionally killed in the performance of duties; amending ss. 175.201 and 185.21, F.S.; conforming to the act; repealing s. 240.235(3), F.S., relating to educational benefits of special risk members; providing an effective date.

Reconsideration

On motion by Senator Thurman, the Senate reconsidered the vote by which **Amendment 1** was adopted. **Amendment 1** was withdrawn.

Two additional amendments were adopted to CS for SB's 1674 and 1016 to conform the bill to CS for HB's 147 and 397.

Pending further consideration of CS for SB's 1674 and 1016 as amended, on motions by Senator Thurman, by two-thirds vote CS for HB's 147 and 397 was withdrawn from the Committees on Personnel, Retirement and Collective Bargaining; Agriculture; and Appropriations.

On motions by Senator Thurman, by two-thirds vote—

CS for HB's 147 and 397—A bill to be entitled An act relating to law enforcement officers, correctional officers, and firefighters; amending s. 112.19, F.S.; providing definitions; increasing death benefits for law enforcement officers; providing for educational expenses for the children of deceased officers; providing for rules; repealing s. 112.1904, F.S., relating to death benefits for law enforcement officers unlawfully and inten-

tionally killed in the performance of duty; amending s. 112.191, F.S.; providing definitions; increasing death benefits with respect to firefighters; providing for educational expenses for the children of deceased firefighters; providing for rules; repealing s. 112.1914, F.S., relating to death benefits for firefighters unlawfully and intentionally killed in the performance of duties; amending ss. 175.201 and 185.21, F.S.; conforming to the act; repealing s. 240.235(3), F.S., relating to educational benefits of special risk members; providing an effective date.

—a companion measure, was substituted for CS for SB's 1674 and 1016 and by two-thirds vote read the second time by title. On motion by Senator Thurman, by two-thirds vote CS for HB's 147 and 397 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Bankhead	Diaz-Balart	Kirkpatrick	Souto
Beard	Dudley	Kiser	Stuart
Brown	Forman	Langley	Thomas
Bruner	Gardner	Malchon	Thurman
Casas	Girardeau	Margolis	Walker
Childers, D.	Gordon	McPherson	Weinstein
Childers, W. D.	Grant	Meek	Weinstock
Crenshaw	Grizzle	Myers	Woodson-Howard
Davis	Jennings	Peterson	
Deratany	Johnson	Plummer	

Nays—None

SB 928—A bill to be entitled An act relating to hazardous materials; amending s. 252.85, F.S.; delaying the effective date of a change in the method of calculating hazardous materials fees; providing a retroactive effective date.

—was read the second time by title.

Senator Malchon offered the following amendment which was moved by Senator Brown and adopted:

Amendment 1—On page 2, strike all of lines 7-10 and insert:

Section 2. Protection from liability for transfers of real property.—

(1) **DEFINITIONS.**—As used in this section, unless the context otherwise requires, the term:

(a) "Hazardous materials" includes hazardous substances and pollutants as defined in ss. 376.301(12), 376.301(17), and 403.727(4).

(b) "Level I environmental audit" means an investigation of real property carried out by or under the supervision of an engineer, which shall include the following:

1. A review of the real property abstract or chain of title showing ownership of the real property for 50 years prior to the Level I environmental audit; and

2. Interviews with prior owners or other persons with knowledge of prior uses of the real property; and

3. A review of applicable regulatory agency files concerning the real property; and

4. A review of available aerial photographs and site plans; and

5. A detailed physical inspection of the surface of the real property by a person trained in hydrology, geology, engineering, chemistry, environmental regulation and/or biology, and

6. A written report detailing all findings, if any, evidencing the probability that the real property contains hazardous materials.

(c) "Real property" means fee title or any other interest in land.

(d) "Not-for-profit corporation" means a corporation no part of the income or profit of which is distributed to its members, directors or officers, or any of its wholly owned subsidiary not-for-profit corporations.

(e) "Conservation purposes" means natural area preservation or open space preservation.

(2) **LIMITED LIABILITY.**—A not-for-profit corporation that acquires real property for conservation purposes and subsequently trans-

fers such real property or any portion thereof or interest therein to the United States of America, the state, or any local government or special district, or political subdivision or agency of any of them, or another not-for-profit corporation shall have no common law, statutory, regulatory, or contractual obligation or liability to said transferee or to any third party for any claim, demand, penalty, judgment, loss, liability, obligation, damage, cost, or expense of any kind, with respect to hazardous materials on the transferred real property; provided said obligation or liability arises from incidents or actions occurring prior to the real property being acquired by the not-for-profit corporation transferring the property, and provided the not-for-profit corporation had a Level I environmental audit of the real property conducted and gave to the transferee a copy of such audit before the transfer.

Section 3. This act shall take effect July 1, 1990, or upon becoming law, whichever occurs later. If this act becomes law after July 1, 1990, section 1 shall operate retroactively to July 1, 1990.

Senator Malchon offered the following amendment which was moved by Senator Brown:

Amendment 2—On page 2, strike all of lines 7-10 and insert:

Section 2. Section 376.3074, Florida Statutes, is created to read:

376.3074 Noncompliance fees.—

(1) In addition to any judicial or administrative remedy authorized by this chapter, the department may assess a noncompliance fee for failure of any owner or operator of a facility regulated pursuant to ss. 376.30-376.319 to comply with the registration, monitoring, reporting, and recordkeeping requirements of this section, and rules adopted pursuant thereto. If the information requested by the department is provided within 30 days after receipt by the department of the notification of noncompliance, no fee shall be assessed. However, if the owner or operator fails after three or more notifications to comply with the registration, monitoring, reporting, or recordkeeping requirements, the department may assess the fee without waiting 30 days for compliance.

(2) At the time of assessment of a noncompliance fee, the department shall give the owner or operator written notice setting forth the amount assessed, the specific provision of law, rule, or order alleged to be violated, the facts alleged to constitute the violation, the corrective action needed to bring the party into compliance, and the rights available under chapter 120 to challenge the assessment. The defenses in s. 376.308 shall be available for any assessment under this section. The assessment shall be final and effective unless an administrative proceeding is requested within 20 days after receipt of the written notice, and shall be enforceable pursuant to s. 120.69.

(3) Before assessing any noncompliance fee, the department shall adopt rules to implement the provisions of this section, which shall include the appropriate amounts for the noncompliance fees authorized by this section, based upon the type of registration, monitoring, reporting, or recordkeeping violation, but not to exceed \$250. Total noncompliance fees assessed shall not exceed \$1,000 quarterly for all monitoring, reporting, or recordkeeping violations attributable to a specific facility during any 1 month.

(4) Unless the department initiates a civil action for nonpayment of a fee properly assessed pursuant to this section, the department's assessment of a noncompliance fee shall be in lieu of any civil action which may be instituted by the department in a court of competent jurisdiction to impose and recover civil penalties for any violation that resulted in the fee assessment, and shall be in lieu of imposition of a reinstatement inspection fee by the department pursuant to s. 376.3072(3)(b).

(5) Fees collected pursuant to this section shall be deposited in the Pollution Recovery Fund. The department may use a portion of the fund to contract for services to assist in the collection of fees assessed pursuant to this section.

(6) Any governmental agency, including a local government, to which has been delegated contractual authority for any program under chapter 376 shall be bound by the procedural requirements of this section and of chapter 120, if it elects to use the enforcement provisions of this section. In such case, the agency responsible for enforcement of the program shall be the sole enforcement entity authorized to assess noncompliance fees pursuant to this section.

Section 3. Subsection (3) is added to section 403.121, Florida Statutes, to read:

403.121 Enforcement; procedure; remedies.—The department shall have the following judicial and administrative remedies available to it for violations of this chapter, as specified in s. 403.161(1).

(3)(a) In addition to any judicial or administrative remedy authorized by this part, the department may assess a noncompliance fee for failure of any owner or operator of a domestic wastewater treatment facility to comply with a permit condition that requires the submittal of monthly operating reports or the reporting of the characteristics of the waste stream or the effects of the facility on surface or ground water. For the first and second violations of the reporting requirements, the fee shall not be assessed until the department has given the owner or operator at least 30 days to comply with the reporting requirement. The time shall not begin until the department has given the owner or operator written notice of the facts alleged to constitute the reporting violation, the specific provision of law, rule or order alleged to have been violated by the owner or operator, the corrective action needed to bring the facility into compliance, and the potential penalties that may be imposed as a result of the owner or operator's failure to comply with the notice. For subsequent violations, the department does not have to provide 30-day written notice of the violations prior to assessing a noncompliance fee, except as follows:

1. If any additional reporting violations occur prior to the expiration of either of the 30-day notices issued by the department, the department must provide the owner or operator with 30 days written notice to correct these violations as well.

2. Upon the renewal of the permit, the department shall reinstate the 30-day notice requirements provided in this subsection prior to assessing a noncompliance fee during the new permit period.

(b) At the time of assessment of a noncompliance fee, the department shall give the owner or operator written notice setting forth the amount assessed, the specific provision of law, rule, or order alleged to be violated, the facts alleged to constitute the violation, the corrective action needed to bring the party into compliance, and the rights available under chapter 120 to challenge the assessment. The assessment shall be final and effective unless an administrative proceeding is requested within 20 days after receipt of the written notice, and shall be enforceable pursuant to s. 120.69. Once the assessment has become final and effective, the department may refuse to issue, modify, transfer, or renew a permit to the facility until the fee has been paid.

(c) Before assessing a noncompliance fee, the department shall adopt rules to implement the provisions of this subsection. The rules shall establish specific procedures and assessment amounts for noncompliance fees authorized by subsection (3)(a). Noncompliance fees shall be set on a sliding scale based upon the type of violation, the degree of noncompliance, and the potential for harm. Such rules shall also authorize the application of adjustment factors subsequent to initial assessment to increase or decrease the total amount assessed, such as the good faith efforts or the lack of good faith efforts of the owner or operator to comply with the reporting requirement, the lack of or degree of willfulness or negligence on the part of the owner or operator, the economic benefits associated with the owner's or operator's failure to comply, the owner's or operator's previous history of reporting violations, and the owner or operator's ability to pay the noncompliance fee. No noncompliance fee shall exceed \$250, and total noncompliance fees assessed shall not exceed \$1,000 per assessment for all reporting violations attributable to a specific facility during any one month. No noncompliance fee may be assessed unless the department has, within 90 days of the reporting violation, provided the owner or operator written notice of the violation.

(d) The department's assessment of a noncompliance fee shall be in lieu of any civil action which may be instituted by the department in a court of competent jurisdiction to impose and recover civil penalties for any violation that resulted in the fee assessment, unless the department initiates a civil action for nonpayment of a fee properly assessed pursuant to this subsection.

(e) Fees collected pursuant to this subsection shall be deposited in the Pollution Recovery Fund. The department may use a portion of the fund to contract for services to help in the collection of the fees assessed pursuant to this subsection.

Section 4. Paragraph (c) is added to subsection (3) of section 403.727, Florida Statutes, to read:

403.727 Violations; defenses, penalties, and remedies.—

(3) Violations of the provisions of this act are punishable as follows:

(c)1. *As used in this paragraph, "Class II violation" means a violation of this part, or the rules promulgated pursuant to this part, which pertains to small quantity generators as defined by applicable department rules and which does not result in a discharge or serious threat of a discharge of hazardous waste to the environment, or does not involve the failure to ensure that groundwater will be protected or that hazardous waste will be destined for and delivered to permitted facilities. Class II violations shall include, but need not be limited to, the failure to submit manifest exception reports in a timely manner, failure to provide a generator's United States Environmental Protection Agency identification number on the manifest, failure to maintain complete personnel training records, and failure to meet inspection schedule requirements for tanks and containers that hold hazardous waste.*

2. *In addition to any other judicial or administrative remedy authorized by this part, the department may assess a noncompliance fee for any Class II violation by a small quantity generator. For the first and second violations, the fee shall not be assessed until the generator has failed to comply after notice of noncompliance and has been given a reasonable time to comply. If the owner or operator fails after three or more notifications to comply with the requirement to correct the Class II violation, the department may assess the fee without waiting for compliance.*

3. *At the time of assessment of a noncompliance fee, the department shall give the small quantity generator written notice setting forth the amount assessed, the specific provision of law, rule, or order alleged to be violated, the facts alleged to constitute the violation, the corrective action needed to bring the party into compliance, and the rights available under chapter 120 to challenge the assessment. The assessment shall be final and effective unless an administrative proceeding is requested within 20 days after receipt of the written notice, and shall be enforceable pursuant to s. 120.69. Once the assessment has become final and effective, the department shall refuse to issue, modify, transfer, or renew a permit or issue an identification number to the facility until the fee has been paid.*

4. *Before assessing any noncompliance fee, the department shall adopt rules to implement the provisions of this paragraph, which shall include a description of activities that constitute Class II violations and the setting of appropriate amounts for the noncompliance fees, based upon the type of violation, but not to exceed \$250. Total noncompliance fees assessed shall not exceed \$1,000 per assessment for all violations attributable to a specific facility during any 1 month.*

5. *The department's assessment of a noncompliance fee shall be in lieu of any civil action that may be instituted by the department in a court of competent jurisdiction to impose and recover civil penalties for any violation that resulted in the fee assessment, unless the department initiates a civil action for nonpayment of a fee properly assessed pursuant to this paragraph.*

6. *Noncompliance fees collected pursuant to this paragraph shall be deposited in the Pollution Recovery Fund. The department may use a portion of the fund to contract for services to help in the collection of fees assessed pursuant to this paragraph.*

Section 5. Section 1 shall take effect July 1, 1990, or upon becoming a law, whichever occurs later. If this act becomes a law after July 1, 1990, it shall operate retroactively to July 1, 1990. Sections 2, 3, and 4 of this act shall take effect October 1, 1990.

Further consideration of SB 928 with pending Amendment 2 was deferred.

On motion by Senator McPherson, by unanimous consent—

CS for CS for SB 2194—A bill to be entitled An act relating to environmental protection; amending s. 229.8055, F.S.; changing the date for the annual status report on environmental education; amending s. 229.8056, F.S.; deleting requirements for an annual report to be provided by the Coordinator of Environmental Education; amending s. 229.8059, F.S.; adding an employee of the Department of Commerce to the Interagency Coordinating Committee for Environmental Education; requiring the Interagency Coordinating Committee to develop an annual status report; amending s. 229.8064, F.S.; providing for use of funds in the Aquatic Resources Education Account by the Department of Natural Resources for aquatic education purposes; amending s. 370.0608, F.S.; creating the Aquatic Resources Education Account within the Save Our State Environmental Education Trust Fund; amending s. 370.0605, F.S.; defining the term "resident" as used in said section; providing transferability for certain saltwater fishing licenses for vessels carrying customers; providing that certain license fees are nonrefundable; revising certain exemptions from saltwater fishing license requirements; providing penalties and procedures for persons cited for violating certain saltwater fish and crawfish license and stamp requirements; providing that the state assents to the provisions of a specified Act of Congress, as amended; providing for the administration of state fish and wildlife programs by the Department of Natural Resources and the Game and Fresh Water Fish Commission; amending ss. 370.1111, 370.14, F.S.; specifying the period of time during which snook and crawfish stamps are valid; amending s. 372.561, F.S.; requiring tax collectors to report stolen licenses and stamps; requiring tax collectors to make certain audit reports to the Game and Fresh Water Fish Commission; amending s. 372.57, F.S.; revising an exemption from certain license and stamp requirements; amending s. 372.571, F.S.; specifying the period of time during which certain freshwater fishing licenses are valid; amending s. 372.574, F.S.; revising certain bonding requirements for subagents appointed by tax collectors to issue licenses and stamps; providing for the sale of licenses and stamps in states contiguous to Florida; amending s. 372.60, F.S.; providing requirements for issuing replacement licenses and stamps; amending s. 376.11, F.S.; providing for expenditure of the interest earned from investments of the Florida Coastal Protection Trust Fund; amending s. 320.08066, F.S.; providing for the deposit of revenues from manatee license plate sales; providing effective dates.

—was taken up out of order and read the second time by title.

Senator McPherson moved the following amendments which were adopted:

Amendment 1—On page 3, strike line 9 and insert: Education at least 90 days prior to the convening of the regular session of the Legislature.

Amendment 2—On page 5, between lines 8 and 9, insert:

Section 3. Subsection (4) is added to section 229.8063, Florida Statutes, to read:

229.8063 Nonprofit support corporation for development and implementation of environmental education program.—

(4) *The Executive Office of the Governor shall develop an annual status report on environmental education activities, including activities of the nonprofit support corporation, and deliver it to the President of the Senate, the Speaker of the House of Representatives, and the Advisory Council on Environmental Education at least 90 days prior to the convening of each regular session of the Legislature.*

(Renumber subsequent sections.)

Amendment 3—In title, on page 1, line 13, after the semicolon (;) insert: amending s. 229.8063, F.S.; requiring an annual status report on environmental education activities by the Executive Office of the Governor;

On motion by Senator McPherson, by two-thirds vote CS for CS for SB 2194 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—30

Beard	Diaz-Balart	Kiser	Souto
Brown	Dudley	Langley	Stuart
Bruner	Gardner	Malchon	Walker
Casas	Gordon	Margolis	Weinstein
Childers, D.	Grant	McPherson	Weinstock
Childers, W. D.	Grizzle	Myers	Woodson-Howard
Crenshaw	Jennings	Peterson	
Davis	Johnson	Plummer	

Nays—None

Vote after roll call:

Yea—Deratany, Kirkpatrick, Thurman

Consideration of CS for CS for SB's 1068 and 22 was deferred.

On motions by Senator Thurman, by two-thirds vote HB 2545 was withdrawn from the Committees on Agriculture and Appropriations.

On motion by Senator Thurman—

HB 2545—A bill to be entitled An act relating to product labeling; creating part II of chapter 504, F.S.; creating the Florida Organic Farming and Food Law; providing a short title; providing a purpose; providing definitions; providing duties of the Department of Agriculture and Consumer Services; providing prohibited acts; providing for certification of organic food; providing duties of certifying agents; providing for a license and fee; providing organic food standards; creating an organic food advisory council; providing rulemaking authority; providing for inspection, sampling, analysis, and enforcement; providing penalties; providing for injunctive relief; providing labeling and advertising requirements; providing for the disposition of fees, fines, and penalties; amending ss. 504.011 and 504.014, F.S., to conform; providing a directive to statute editors renaming chapter 504, F.S.; providing for review and repeal; providing an effective date.

—a companion measure, was substituted for CS for SB 1048 and read the second time by title.

Senator Thurman moved the following amendments which were adopted:

Amendment 1—On page 3, line 16, after the period (.) insert: *The department, in implementing chapter 571, may implement a program to promote organically produced Florida agricultural products.*

Amendment 2—On page 6, strike all of lines 8-12 and insert: *nine members appointed by the Commissioner of Agriculture for 4-year staggered terms. The membership shall include a representative of the Florida Certified Organic Growers and Consumers, three producers of organic food, two retailers of organic food, one handler-broker of organic food, and two consumer representatives. Initial appointment of council*

Amendment 3—On page 7, between lines 11 and 12, insert:

(c) *Formulate and recommend to the Commissioner of Agriculture actions and policies to promote organic products.*

On motion by Senator Thurman, by two-thirds vote HB 2545 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Bankhead	Dudley	Kirkpatrick	Scott
Beard	Forman	Kiser	Souto
Brown	Gardner	Langley	Stuart
Bruner	Girardeau	Malchon	Thomas
Casas	Gordon	Margolis	Thurman
Childers, D.	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Davis	Jennings	Peterson	Weinstock
Diaz-Balart	Johnson	Plummer	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Deratany

Consideration of CS for SB 862 was deferred.

CS for SB 1208—A bill to be entitled An act relating to ad valorem taxation; amending s. 192.001, F.S.; providing standards for determining substantial completion of real and tangible personal property; creating s. 192.039, F.S.; providing for assessment and taxation of certain real property on a partial-year roll; creating s. 192.044, F.S.; providing for assessment and taxation of certain tangible personal property on a partial-year roll; amending s. 192.042, F.S.; providing an assessment day; amending s. 192.091, F.S.; providing for tax collector reimbursement; amending s. 193.052, F.S.; providing for partial-year property returns; amending s. 193.062, F.S.; providing a date for filing of returns; amending s. 193.114, F.S.; providing for preparation of partial-year rolls; amending s. 195.027, F.S.; requiring partial-year returns by agency rule; amending s. 196.011, F.S.; providing a requirement for application for exemption; amending s. 197.3635, F.S.; requiring information to be included on notice; creating s. 200.070, F.S.; requiring notice of partial-year assessment; requiring inclusion of partial-year 1990 property or 1991 rolls; providing a severability clause; providing an effective date.

—was read the second time by title.

Senator Dudley moved the following amendments which were adopted:

Amendment 1—In title, on page 1, line 26, strike “or” and insert: on

Amendment 2—On page 4, line 18, strike “192.040” and insert: 192.044

Amendment 3—On page 4, line 16, strike “192.040” and insert: 192.044

Amendment 4—On page 10, line 28, strike “192.040” and insert: 192.044

Amendment 5—On page 6, strike all of lines 2 and 3 and insert: if the tangible personal property is acquired or substantially completed after January 1 of the prior year, if it was acquired or completed to replace tangible

Amendment 6—On page 6, line 17, before the period (.) insert: and all tangible personal property which qualifies as being replaced under subsection (7) shall be treated as if disposed on July 1 of the prior year

Amendment 7—On page 6, between lines 17 and 18, insert:

Section 4. Section 192.045, Florida Statutes, is created to read:

192.045 Partial-year assessment of centrally assessed property.—

(1) The department shall determine the assessed value for the partial-year of property assessed pursuant to s. 193.085 (4) (a) by taking one-half of the difference between the annual assessment of operating property for the prior year and the annual assessment of operating property for the current year.

(2) The department shall determine the assessed value for the partial-year of property assessed pursuant to s. 193.085 (4) (b) by taking one-half of the difference between the annual assessment of operating rolling stock for the prior year and the annual assessment of operating rolling stock for the current year.

Amendment 8—On page 12, line 6, before the period (.) insert: , or a statement indicating that an election was made under subsection (8) or (9) of s. 192.044

On motion by Senator Dudley, the rules were waived to allow the following amendment to be considered:

Senator Dudley moved the following amendment which was adopted:

Amendment 9—On page 6, between lines 17 and 18, insert:

(9) If a taxpayer does not elect the one-half year convention provided in subsection (8), he may elect the option described herein to determine the assessment of tangible personal property for the purposes of the partial-year assessment roll. The assessment shall be one-half of the difference of the assessed value of all tangible personal property on January 1 of the current year less the assessed value of all tangible personal property on January 1 of the prior year. The assessment for both the prior and current year shall, for determining the amount of the partial year assessment, be determined using identical valuation approaches and weighing techniques. If the difference results in a negative number no tax shall be due. The provisions of subsection (7) shall not apply to tangible personal property valued under this paragraph.

Senator D. Childers moved the following amendment which failed:

Amendment 10—On page 2, line 13, before the period (.) insert: *or when a certificate of occupancy is issued*

On motion by Senator Langley, the rules were waived to allow the following amendment to be considered:

Senator Langley moved the following amendments which were adopted:

Amendment 11—On page 15, line 31, insert:

Section 15. Subsection (3) of section 196.081, Florida Statutes, is amended to read:

196.081 Exemption for certain permanently and totally disabled veterans.—

(3) In the event the homestead of the totally and permanently disabled veteran is held with the veteran's *spouse wife* as an estate by the entirety, and in the event the veteran predeceases his *spouse wife*, the exemption from taxation shall carry over to the benefit of the veteran's *spouse wife*, provided, however, that *the spouse she* continues to reside on such real estate and use it as *the spouse her* domicile or until such time as *such spouse she* remarries or sells or otherwise disposes of the property. *If the spouse of the deceased veteran sells the property, an exemption not to exceed the amount granted from the most recent ad valorem tax roll may be transferred to such spouse's new residence, as long as it is used as such spouse's primary residence and such spouse does not marry.*

(Renumber subsequent section.)

Amendment 12—In title, on page 1, line 27, after the semicolon (;) insert: amending s. 196.081, F.S., which provides an exemption for the homestead of a totally and permanently disabled veteran; providing that such veteran's spouse may transfer the exemption to another residence under certain circumstances;

On motion by Senator Dudley, by two-thirds vote CS for SB 1208 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—29

Bankhead	Gardner	Margolis	Thomas
Beard	Girardeau	McPherson	Thurman
Brown	Gordon	Meek	Weinstein
Casas	Grizzle	Myers	Weinstock
Crenshaw	Jennings	Peterson	Woodson-Howard
Diaz-Balart	Johnson	Plummer	
Dudley	Kiser	Souto	
Forman	Malchon	Stuart	

Nays—9

Bruner	Deratany	Langley
Childers, D.	Grant	Scott
Childers, W. D.	Kirkpatrick	Walker

Vote after roll call:

Yea—Davis

CS for CS for SB's 1068 and 22—A bill to be entitled An act relating to pollution; amending s. 206.9935, F.S., relating to taxes imposed for coastal protection; providing for certain offshore oil drilling activity; providing for catastrophic discharge; creating s. 253.035, F.S.; requiring commercial vessels to anchor in designated anchorage areas; amending s. 310.071, F.S.; providing for evaluation of certificated deputy pilots; amending s. 310.101, F.S.; providing additional grounds for disciplinary actions by the Board of Pilot Commissioners; providing certain accountability in directing foreign vessels; amending s. 310.111, F.S.; providing for report of certain marine incidents; amending s. 310.141, F.S.; providing that certain vessels are subject to pilotage, and reenacting s. 310.161, F.S., relating to penalties for piloting without a license, to incorporate said amendment in a reference thereto; creating ss. 313.21, 313.22, 313.23, and 313.24, F.S.; authorizing ports to regulate certain vessel movements and adopt certain guidelines for bottom clearance, vessel movements, and traffic communications; amending s. 376.031, F.S.; providing definitions; amending s. 376.051, F.S.; providing for issuance of spill prevention and response certificates; amending s. 376.06, F.S.; providing a penalty for

operation of a terminal facility without a required registration certificate; increasing the maximum application fee; amending s. 376.065, F.S.; prohibiting operation of a terminal facility without a spill prevention and response certificate; providing requirements for application and operation; providing a penalty; amending s. 376.07, F.S.; providing for rules of the Department of Natural Resources; providing for spill prevention, abatement, and cleanup and for wildlife rescue and rehabilitation; requiring adequate booming in the transfer of pollutants; providing penalties; prohibiting use of certain lobster traps after a specified date; creating s. 376.071, F.S.; requiring certain vessels to maintain spill prevention and control contingency plans; providing requirements; providing penalties; amending s. 376.09, F.S.; providing certain immunity from liability for described persons; amending s. 376.11, F.S.; providing additional sources and uses for moneys in the Florida Coastal Protection Trust Fund; amending s. 376.12, F.S.; increasing certain maximum liabilities for pollutant cleanup costs and damages; specifying conditions for limits on liability; providing financial security requirements; providing penalties; providing liability of cargo owner; specifying conditions for use of certain defenses; providing an exemption from certain notification requirements; creating s. 376.121, F.S.; providing liability for damages to natural resources; providing for determination of restoration or compensation costs; providing for assistance by the Game and Fresh Water Fish Commission and other state and local agencies; specifying uses of moneys recovered; amending s. 376.16, F.S.; providing penalties for repeated pollution violations; creating s. 376.163, F.S.; creating the Pollutant Spill Technical Advisory Council; providing membership and duty; amending s. 376.301, F.S.; revising definitions; amending s. 376.303, F.S.; authorizing the Department of Environmental Regulation to register bulk product facilities; providing an annual fee; requiring certain inspections; deleting a pilot program; amending s. 377.06, F.S.; revising public policy concerning natural resources of oil and gas; amending ss. 287.0595 and 376.3072, F.S.; correcting cross references; providing for review and repeal; providing legislative intent to facilitate pollutant cleanup and control the costs associated with said cleanups; authorizing the Department of Environmental Regulation to designate local government solid waste facilities for disposal of pollutant cleanup wastes; requiring the Center for Solid and Hazardous Waste Management to coordinate research to determine the most appropriate dispersal agents for use in Florida; requiring the Department of Natural Resources to encourage the development of training programs for personnel needed for pollutant spill prevention and cleanup activities; providing effective dates.

—was read the second time by title.

Senator Kirkpatrick moved the following amendment which was adopted:

Amendment 1—On page 32, lines 6 and 7, strike "*with a fuel tank capacity less than 150 gallons*"

Senator Plummer moved the following amendment which was adopted:

Amendment 2—On page 21, line 16, strike "(3) After July 31, 1993" and insert:

(3) After July 31, 1990, no lobster trap or traps to be deposited into waters of the state shall be impregnated with a petroleum product that may be released from such trap or traps. After July 31, 1995

On motion by Senator Kirkpatrick, by two-thirds vote CS for CS for SB's 1068 and 22 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Bankhead	Diaz-Balart	Kirkpatrick	Scott
Beard	Dudley	Kiser	Souto
Brown	Forman	Langley	Stuart
Bruner	Gardner	Malchon	Thomas
Casas	Girardeau	Margolis	Thurman
Childers, D.	Gordon	McPherson	Weinstein
Childers, W. D.	Grant	Meek	Weinstock
Crenshaw	Grizzle	Myers	Woodson-Howard
Davis	Jennings	Peterson	
Deratany	Johnson	Plummer	

Nays—None

CS for SB 862—A bill to be entitled An act relating to taxation; amending s. 212.20, F.S.; providing for deposit of convention development tax revenues into the Convention Development Tax Clearing Trust Fund; amending s. 212.054, F.S.; providing for deposit of discretionary sales surtax revenues into the Discretionary Sales Surtax Clearing Trust Fund and providing for separate accounts within such fund; amending s. 212.055, F.S.; prescribing conditions when a referendum on discretionary sales surtax must be held; amending s. 213.053, F.S.; applying provisions relating to confidentiality and information sharing to additional fees and registration requirements; authorizing the Department of Revenue to verify certain certificates of registration; amending s. 220.03, F.S.; updating references to the current Internal Revenue Code; amending ss. 220.12, 220.13, F.S.; revising provisions for determining net income and adjusted federal income for purposes of the income tax code; deleting obsolete provisions and correcting cross-references; amending s. 220.186, F.S.; clarifying the application of the alternative minimum tax credit; amending s. 203.013, F.S.; providing for taxing the gross receipts of interstate teleprinter and computer exchange services similarly to certain other interstate telecommunication services; amending ss. 203.62, 203.63, F.S.; correcting cross-references; amending s. 199.032, F.S.; providing for imposing the intangible personal property tax upon bonds; amending s. 199.282, F.S.; prescribing duties of the Department of Revenue with respect to assessment and collection of interest and penalties on intangible personal property taxes; amending s. 681.117, F.S.; authorizing the Department of Revenue to administer, collect, enforce, and audit lemon law fee provisions; amending s. 832.062, F.S.; providing for venue in the county in which a maker or drawer of a worthless check given in payment of taxes or any other charge administered by the Department of Revenue resides or is located; amending s. 213.755, F.S.; changing the threshold period for application of electronic funds transfer requirements to the prior state fiscal year; amending s. 195.002, F.S.; authorizing the Department of Revenue to incur certain expenses and to charge certain fees; creating the Certification Program Trust Fund; providing for deposit of such fees into the trust fund; amending s. 195.087, F.S.; authorizing property appraisers and tax collectors to pay certain fees established by the department; amending s. 72.011, F.S.; prescribing jurisdiction of circuit court in additional tax matters; amending s. 213.05, F.S.; specifying the revenue laws administered by the Department of Revenue; providing an effective date.

—was read the second time by title.

The Committee on Appropriations recommended the following amendment which was moved by Senator Deratany and adopted:

Amendment 1—On page 28, between lines 9 and 10, insert:

Section 3. Subsection (2) of section 212.02, Florida Statutes, is amended to read:

212.02 Definitions.—The following terms and phrases when used in this chapter have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(2) "Business" means any activity engaged in by any person, or caused to be engaged in by him, with the object of private or public gain, benefit, or advantage, either direct or indirect. Except for the sales of any aircraft, boat, mobile home, or motor vehicle, the term "business" shall not be construed in this chapter to include occasional or isolated sales or transactions involving tangible personal property or services by a person who does not hold himself out as engaged in business, but includes other charges for the sale or rental of tangible personal property, sales of services taxable under this part, sales of or charges of admission, communication services, all rentals and leases of living quarters, other than low-rent housing operated under chapter 421, sleeping or housekeeping accommodations in hotels, apartment houses, roominghouses, tourist or trailer camps, and all rentals of or licenses in real property, other than low-rent housing operated under chapter 421, all leases or rentals of or licenses in parking lots or garages for motor vehicles, docking or storage spaces for boats in boat docks or marinas as defined in this chapter and made subject to a tax imposed by this chapter. *The term "business" shall not be construed in this chapter to include the leasing, subleasing, or licensing of real property by one corporation to another if all of the stock of both such corporations is owned, directly or through one or more wholly owned subsidiaries, by a common parent corporation; the property was in use prior to July 1, 1989, title to the property was transferred after July 1, 1988, and before July 1, 1989, between members of an affiliated group, as defined in s. 1504(a) of the Internal Revenue Code of 1986, which group included both such corporations and there is*

no substantial change in the use of the property following the transfer of title; the leasing, subleasing, or licensing of the property was required by an unrelated lender as a condition of providing financing to one or more members of the affiliated group; and the corporation to which the property is leased, subleased, or licensed had sales subject to the tax imposed by this part of not less than \$667,000,000 during the most recent twelve month period ended June 30. Any tax on such sales, charges, rentals, admissions, or other transactions made subject to the tax imposed by this chapter shall be collected by the state, county, municipality, any political subdivision, agency, bureau, or department, or other state or local governmental instrumentality in the same manner as other dealers, unless specifically exempted by this chapter.

(Renumber subsequent sections.)

Senator Deratany moved the following amendment which was adopted:

Amendment 2—On page 28, between lines 9 and 10, insert:

Section 21. Section 20.21, Florida Statutes, is amended to read:

20.21 Department of Revenue.—There is created a Department of Revenue.

(1) The head of the Department of Revenue is the Governor and Cabinet.

(2) The following divisions are established within the Department of Revenue:

- (a) Division of Administration.
- (b) Division of Ad Valorem Tax.
- (c) Division of Audits.
- (d) Division of Collection and Enforcement.
- (e) Division of Information Systems and Services.
- (f) Division of Technical Assistance.
- (g) Division of Tax Processing.

(3)(a) The responsibilities of the Division of Administration shall be to plan, organize, and control the administrative support services for the department. The functions of this division shall include, but are not limited to, finance and accounting, revenue accounting, ~~receipts processing~~, personnel, and office services.

(b) The responsibilities of the Division of Ad Valorem Tax shall be to carry out the relevant provisions of ad valorem tax law ~~and other department responsibilities involving local governments~~. The functions of this division shall include, but are not limited to, ad valorem administration, assessment standards and review, central property valuation, and field operations.

(c) The responsibilities of the Division of Audits shall be to plan, organize, administer, and control tax auditing activities. The functions of this division shall include, but are not limited to, audit selection and standards development for those taxes collected by the department. The standards development function shall include development of standard audit criteria, ~~training of auditors~~, and provision of functional direction to field audit staff.

(d) The responsibilities of the Division of Collection and Enforcement shall include tax collection and enforcement activities. The functions of this division shall include, but are not limited to, investigative services and central and field operations.

(e) The responsibilities of the Division of Information Systems and Services shall include development, maintenance, and management of all information systems for tax return processing and taxpayer registration activities. The functions of this division shall include, but are not limited to, ~~tax returns processing, license registration, taxpayer registration, and~~ automation of all information systems.

(f) The responsibilities of the Division of Technical Assistance shall include the rendering of legal advice to department personnel and the public on tax matters ~~and the development of tax policy under the direction of the executive director~~. The functions of the division shall include, but are not limited to, the preparation of departmental rules for all taxes, the rendition of opinions ~~on tax policy~~ pursuant to s. ~~120.565~~ or s. 213.22, the settlement of tax controversies pursuant to s. 213.21 and the rules of

the department, and the provision of informal assistance to the public on tax matters, and the conduct of proceedings pursuant to s. 120.57(2) and (4).

(g) *The responsibilities of the Division of Tax Processing include, but are not limited to, receipts processing, tax returns processing, license registration, and taxpayer registration. The following functions shall be under the assistant executive director: tax research and departmental policy and planning.*

~~(h) The following function shall be under the executive director: internal audit and tax policy development.~~

(4) *The following offices are established within the Department of Revenue:*

- (a) *Office of the Inspector General.*
- (b) *Office of the General Counsel.*
- (c) *Office of Tax Research.*
- (d) *Office of Legislative and Cabinet Affairs.*
- (e) *Office of Planning and Budgeting.*

(5)(4) *Necessary legal services, pursuant to chapter 16, including litigation shall be provided to the Department of Revenue by the Department of Legal Affairs.*

(6) *Notwithstanding any other law, the department may process taxes, fines, or license or regulatory fees for the benefit of any other state agency. Such processing may be done only pursuant to a written agreement between the department and the agency requesting this service.*

Section 22. There is established with the division of Tax Processing, and within currently authorized positions, a division director and an assistant division director. There is established within the Division of Information Systems and Services, and within currently authorized positions, the additional position of bureau chief. There is established within currently authorized positions the position of General Counsel. The Executive Office of the Governor shall provide additional annual salary rates as required to establish these positions.

Section 23. Subsection (3) of section 212.18, Florida Statutes, is amended to read:

212.18 Administration of law; rules and regulations.—

(3)(a) Every person desiring to engage in or conduct business in this state as a dealer, as defined in this chapter, or to lease, rent, or let or grant licenses in living quarters or sleeping or housekeeping accommodations in hotels, apartment houses, roominghouses, tourist or trailer camps, or real property, as defined in this chapter, and every person who sells or receives anything of value by way of admissions, shall file with the department an application for a certificate of registration for each place of business, showing the names of the persons who have interests in such business and their residences, the address of the business, and such other data as the department may reasonably require. The application shall be made to the department before the person, firm, copartnership, or corporation may engage in such business, and it shall be accompanied by a registration fee of \$5. However, no registration fee is required to accompany an application to engage in or conduct business to make mail order sales. The department, upon receipt of such application, will grant to the applicant a separate certificate of registration for each place of business, which certificate may be canceled by the department or its designated assistants for any failure by the certificateholder to comply with any of the provisions of this chapter. The certificate shall not be assignable and shall be valid only for the person, firm, copartnership, or corporation to which issued, and such certificate shall be placed in a conspicuous place in the business or businesses for which it is issued and shall be so displayed at all times. No person shall engage in business as a dealer or in leasing, renting, or letting of or granting licenses in living quarters or sleeping or housekeeping accommodations in hotels, apartment houses, roominghouses, tourist or trailer camps, or real property as hereinbefore defined, nor shall any person sell or receive anything of value by way of admissions, without first having obtained such a certificate or after such certificate has been canceled; no person shall receive any license from any authority within the state to engage in any such business without first having obtained such a certificate or after such certificate has been canceled. The engaging in the business of selling or leasing tangible personal

property or services or as a dealer, as defined in this chapter, or the engaging in leasing, renting, or letting of or granting licenses in living quarters or sleeping or housekeeping accommodations in hotels, apartment houses, roominghouses, tourist or trailer camps, or real property as hereinbefore defined, or the engaging in the business of selling or receiving anything of value by way of admissions, without such certificate first being obtained or after such certificate has been canceled by the department is prohibited. The failure or refusal of any person, firm, copartnership, or corporation to so qualify when required hereunder is a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, or subject to injunctive proceedings as provided by law.

(b) *As used in this paragraph, the term "exhibitor" means a person who enters into an agreement authorizing the display of tangible personal property or services at a convention or a trade show. The following provisions apply to the registration of exhibitors as dealers under this part:*

1. *An exhibitor whose agreement prohibits the sale of tangible personal property or services subject to the tax imposed in this part is not required to register as a dealer.*

2. *An exhibitor whose agreement provides for the sale at wholesale only of tangible personal property or services subject to the tax imposed in this part must obtain a resale certificate from the purchasing dealer but is not required to register as a dealer.*

3. *An exhibitor whose agreement authorizes the retail sale of tangible personal property or services subject to the tax imposed in this part must register as a dealer and collect the tax imposed under this part on such sales.*

4. *Any exhibitor who makes a mail order sale pursuant to s. 212.0596 must register as a dealer.*

Any person who conducts a convention or a trade show must make their exhibitor's agreements available to the department for inspection and copying.

Section 24. Paragraph (a) of subsection (2) of section 212.04, Florida Statutes, is amended to read:

212.04 Admissions tax; rate, procedure, enforcement.—

(2)(a)1. No tax shall be levied on admissions to athletic or other events sponsored by elementary schools, junior high schools, middle schools, high schools, community colleges, public or private colleges and universities, deaf and blind schools, facilities of the youth services programs of the Department of Health and Rehabilitative Services, and state correctional institutions when only student, faculty, or inmate talent is utilized. However, this exemption shall not apply to admission to athletic events sponsored by an institution within the State University System, and the proceeds of the tax collected on such admissions shall be retained and utilized by each institution to support women's athletics as provided in s. 240.533(4)(c).

2. No tax shall be levied on dues, membership fees and admission charges imposed by not-for-profit sponsoring organizations. To receive this exemption, the sponsoring organization must qualify as a not-for-profit entity under the provisions of s. 501(c)(3) of the United States Internal Revenue Code of 1954, as amended.

3. No tax shall be levied on an admission paid by a student, or on his behalf, to any required place of sport or recreation if the student's participation in the sport or recreational activity is required as a part of a program or activity sponsored by, and under the jurisdiction of, the student's educational institution, provided his attendance is as a participant and not as a spectator.

4. No tax shall be levied on admissions to the National Football League championship game, or on admissions to any of the games of the 1994 World Cup Soccer Tournament.

5. No tax shall be levied on admissions to athletic or other events sponsored by governmental entities.

6. Also exempt from the tax imposed by this section to the extent provided in this subparagraph are admissions to live theater, live opera, or live ballet productions in this state which are sponsored by an organization that has received a determination from the Internal Revenue Service that the organization is exempt from federal income tax under s.

501(c)(3) of the United States Internal Revenue Code, 1954, as amended, if the organization actively participates in planning and conducting the event, is responsible for the safety and success of the event, is organized for the purpose of sponsoring live theater, live opera, or live ballet productions in this state, has more than 10,000 subscribing members and has among the stated purposes in its charter the promotion of arts education in the communities which it serves, and will receive at least 20 percent of the net profits, if any, of the events which the organization sponsors and will bear the risk of at least 20 percent of the losses, if any, from the events which it sponsors if the organization employs other persons as agents to provide services in connection with a sponsored event. Prior to March 1 of each year, such organization may apply to the department for a certificate of exemption for admissions to such events sponsored in this state by the organization during the immediately following state fiscal year. The application shall state the total dollar amount of admissions receipts collected by the organization or its agents from such events in this state sponsored by the organization or its agents in the year immediately preceding the year in which the organization applies for the exemption. Such organization shall receive the exemption only to the extent of \$1,500,000 multiplied by the ratio that such receipts bear to the total of such receipts of all organizations applying for the exemption in such year; however, in no event shall such exemption granted to any organization exceed 6 percent of such admissions receipts collected by the organization or its agents in the year immediately preceding the year in which the organization applies for the exemption. Each organization receiving the exemption shall report each month to the department the total admissions receipts collected from such events sponsored by the organization during the preceding month and shall remit to the department an amount equal to 6 percent of such receipts reduced by any amount remaining under the exemption. Tickets for such events sold by such organizations shall not reflect the tax otherwise imposed under this section.

(Renumber subsequent section.)

On motion by Senator Meek, the rules were waived to allow the following amendment to be considered:

Senator Meek moved the following amendment which was adopted:

Amendment 3—On page 28, between lines 10 and 11, insert:

Section 21. Section 196.198, Florida Statutes, is amended to read:

196.198 Educational property; exemption.—Educational institutions within this state and their property used exclusively for educational purposes shall be exempt from taxation. Sheltered workshops providing rehabilitation and retraining of disabled individuals and exempted by a certificate under s. (d) of the federal Fair Labor Standards Act of 1938, as amended, are declared wholly educational in purpose and shall be exempted from certification, accreditation, and membership requirements set forth in s. 196.012. Those portions of property of college fraternities and sororities certified by the president of the college or university to the appropriate property appraiser as being essential to the educational process, shall be exempt from ad valorem taxation. The use of property by public fairs and expositions chartered by chapter 616 is presumed to be an educational use of such property and shall be exempt from ad valorem taxation to the extent of such use. *Property owned by an educational institution shall be deemed to be used for an educational purpose if the institution has taken affirmative steps to prepare the property for educational use. Affirmative steps means environmental or land use permitting activities, creation of architectural plans or schematic drawings, land clearing or site preparation, construction or renovation activities, or other similar activities that demonstrate commitment of the property to an educational use.*

(Renumber subsequent sections.)

Senator Deratany moved the following amendment which was adopted:

Amendment 4—On page 3, line 5, insert:

Section 1. Paragraph (o) of subsection (7) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by part I of this chapter.

(7) MISCELLANEOUS EXEMPTIONS.—

(o) Religious, charitable, scientific, educational, and veterans' institutions and organizations.—

1. There are exempt from the tax imposed by part I of this chapter transactions involving:

a. Sales or leases directly to churches or sales or leases of tangible personal property by churches;

b. Sales or leases to nonprofit religious, nonprofit charitable, nonprofit scientific, or nonprofit educational institutions when used in carrying on their customary nonprofit religious, nonprofit charitable, nonprofit scientific, or nonprofit educational activities, including church cemeteries; and

c. Sales or leases to the state headquarters of qualified veterans' organizations and the state headquarters of their auxiliaries when used in carrying on their customary veterans' organization activities. If a qualified veterans' organization or its auxiliary does not maintain a permanent state headquarters, then transactions involving sales or leases to such organization and used to maintain the office of the highest ranking state official are exempt from the tax imposed by this part.

2. The provisions of this section authorizing exemptions from tax shall be strictly defined, limited, and applied in each category as follows:

a. "Religious institutions" means churches, synagogues, and established physical places for worship at which nonprofit religious services and activities are regularly conducted and carried on. The term "religious institutions" includes nonprofit corporations the sole purpose of which is to provide free transportation services to church members, their families, and other church attendees. The term "religious institutions" also includes state, district, or other governing or administrative offices the function of which is to assist or regulate the customary activities of religious organizations or members. The term "religious institutions" also includes any nonprofit corporation which is qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code, 1986, as amended, which owns and operates a Florida television station, at least 90 percent of the programming of which station consists of programs of a religious nature, and the financial support for which, exclusive of receipts for broadcasting from other nonprofit organizations, is predominantly from contributions from the general public.

b. "Charitable institutions" means only nonprofit corporations qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code, 1954, as amended, and other nonprofit entities, the sole or primary function of which is to provide, or to raise funds for organizations which provide, one or more of the following services if a reasonable percentage of such service is provided free of charge, or at a substantially reduced cost, to persons, animals, or organizations that are unable to pay for such service:

(I) Medical aid for the relief of disease, injury, or disability;

(II) Regular provision of physical necessities such as food, clothing, or shelter;

(III) Services for the prevention of or rehabilitation of persons from alcoholism or drug abuse; the prevention of suicide; or the alleviation of mental, physical, or sensory health problems;

(IV) Social welfare services including adoption placement, child care, community care for the elderly, and other social welfare services which clearly and substantially benefit a client population which is disadvantaged or suffers a hardship;

(V) Medical research for the relief of disease, injury, or disability;

(VI) Legal services; or

(VII) Food, shelter, or medical care for animals or adoption services, cruelty investigations, or education programs concerning animals;

and the term includes groups providing volunteer manpower to organizations designated as charitable institutions hereunder.

c. "Scientific organizations" means scientific organizations which hold current exemptions from federal income tax under s. 501(c)(3) of the Internal Revenue Code and also means organizations the purpose of which is to protect air and water quality or the purpose of which is to protect wildlife and which hold current exemptions from the federal income tax under s. 501(c)(3) of the Internal Revenue Code.

d. "Educational institutions" means state tax-supported or parochial, church and nonprofit private schools, colleges, or universities which conduct regular classes and courses of study required for accreditation by, or membership in, the Southern Association of Colleges and Schools, the Department of Education, the Florida Council of Independent Schools, or the Florida Association of Christian Colleges and Schools, Inc., or nonprofit private schools which conduct regular classes and courses of study accepted for continuing education credit by a Board of the Division of Medical Quality Assurance of the Department of Professional Regulation or which conduct regular classes and courses of study accepted for continuing education credit by the American Medical Association or the American Dental Association. Nonprofit libraries, art galleries, and museums open to the public are defined as educational institutions and are eligible for exemption. The term "educational institutions" includes private nonprofit organizations the purpose of which is to raise funds for schools teaching grades kindergarten through high school, colleges, and universities. The term "educational institutions" includes any nonprofit newspaper of free or paid circulation primarily on university or college campuses which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code, and any educational television or radio network or system established pursuant to s. 229.805 or s. 229.8051 and any nonprofit television or radio station which is a part of such network or system and which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code. The term "educational institutions" also includes state, district, or other governing or administrative offices the function of which is to assist or regulate the customary activities of educational organizations or members.

e. "Veterans' organizations" means nationally chartered or recognized veterans' organizations, including, but not limited to, Florida chapters of the Paralyzed Veterans of America, Catholic War Veterans of the U.S.A., Jewish War Veterans of the U.S.A., and the Disabled American Veterans, Department of Florida, Inc., which hold current exemptions from federal income tax under s. 501(c)(4) or s. 501(c)(19) of the Internal Revenue Code.

(Renumber subsequent sections.)

Senator Forman moved the following amendment which was adopted:

Amendment 5—On page 28, line 10, insert:

Section 21. Section 624.4425, Florida Statutes, is hereby repealed.

(Renumber subsequent sections.)

Senator Dudley moved the following amendment which was adopted:

Amendment 6—On page 28, between lines 9 and 10, insert:

Section 21. The Department of Revenue shall conduct a study to determine the surcharge rate on short-term rental transactions that would be required to raise the same amount of revenue as the ad valorem tax assessment of such property. The department shall obtain the information needed for the study from a survey of dealers holding property in the ordinary course of business for rental for periods of 93 days or less. The survey may request the information required pursuant to section 195.027(4)(a), Florida Statutes, in addition to the amount of the gross receipts received from such short-term rental property. All dealers are required to respond to the survey. To facilitate verification of the survey results, prior to publication of the 1991 tangible personal property rolls, each county property appraiser shall review the use classification codes applied to each leasing/rental business and shall verify that such businesses are classified in accordance with the codes prescribed by the Department of Revenue. The department shall, by February 1, 1991, report the results of the study to the President of the Senate and the Speaker of the House of Representatives.

(Renumber subsequent sections.)

The Committee on Appropriations recommended the following amendment which was moved by Senator Deratany and adopted:

Amendment 7—In title, on page 3, line 2, before "providing" insert: amending s. 212.02, F.S.; revising the definition of "business" to exclude certain leases, subleases, or licenses of real property;

Senator Deratany moved the following amendment which was adopted:

Amendment 8—In title, on page 3, line 2, after the semicolon (;) insert: amending s. 20.21, F.S.; creating a Division of Tax Processing and providing its duties; revising duties of existing divisions; establishing

certain offices within the department; empowering the department to enter into agreements with other agencies of state government for the processing of taxes, fines, or license or regulatory fees for those agencies; authorizing the establishment of certain positions within the Department of Revenue within currently authorized positions; amending s. 212.18, F.S.; providing criteria for registering certain exhibitors as dealers under certain circumstances; providing legislative findings; amending s. 212.04, F.S.; exempting admissions to games of the 1994 World Cup Soccer Tournament;

Senator Meek moved the following amendment which was adopted:

Amendment 9—In title, on page 3, line 2, after the semicolon (;) insert: amending s. 196.198, F.S.; providing that property owned by educational institutions under certain circumstances is exempt from taxation;

Senator Deratany moved the following amendment which was adopted:

Amendment 10—In title, on page 1, line 2, after the semicolon (;) insert: amending s. 212.08, F.S.; revising an exemption for certain continuing education schools for dentists;

Senator Dudley moved the following amendment which was adopted:

Amendment 11—In title, on page 3, line 2, after the semicolon (;) insert: requiring the Department of Revenue to conduct a study to determine surcharge rates on short-term rental transactions; requiring a report on the study;

Senator Forman moved the following amendment which was adopted:

Amendment 12—On page 3, line 2, after the semicolon (;) insert: repealing s. 624.4425, F.S.;

On motion by Senator Deratany, by two-thirds vote CS for SB 862 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Bankhead	Dudley	Kiser	Souto
Beard	Forman	Langley	Stuart
Brown	Gardner	Malchon	Thomas
Bruner	Girardeau	Margolis	Thurman
Casas	Gordon	McPherson	Walker
Childers, D.	Grant	Meek	Weinstein
Childers, W. D.	Grizzle	Myers	Weinstock
Davis	Jennings	Peterson	Woodson-Howard
Deratany	Johnson	Plummer	
Diaz-Balart	Kirkpatrick	Scott	

Nays—None

The Senate resumed consideration of—

SB 820—A bill to be entitled An act relating to wildlife; amending s. 372.072, F.S.; defining the term "species of special concern" for purposes of a provision relating to the protection of endangered and threatened species of wildlife; authorizing the Department of Natural Resources, the Marine Fisheries Commission, and the Game and Fresh Water Fish Commission to coordinate programs with specified state agencies to conserve, protect, and replenish endangered species, threatened species, and species of special concern; providing an effective date.

—with pending **Amendment 2** and pending substitute **Amendment 3**.

Amendment 3 failed.

Amendment 2 was adopted.

On motion by Senator Gardner, the Senate reconsidered the vote by which **Amendment 1** was adopted.

Senator Gardner moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A—On page 1, lines 12 and 13, strike "threatened species, or species of special concern" and insert: or threatened species

Amendment 1 as amended was adopted.

Senator Gardner moved the following amendment which was adopted:

Amendment 4—On page 2, strike all of lines 1-4

On motion by Senator Gardner, by two-thirds vote SB 820 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Beard	Diaz-Balart	Johnson	Plummer
Brown	Dudley	Kirkpatrick	Souto
Bruner	Forman	Kiser	Thomas
Casas	Gardner	Langley	Thurman
Childers, D.	Girardeau	Malchon	Walker
Childers, W. D.	Gordon	McPherson	Weinstein
Crenshaw	Grant	Meek	Weinstock
Davis	Grizzle	Myers	Woodson-Howard
Deratany	Jennings	Peterson	

Nays—None

Vote after roll call:

Yea—Scott

Senator Peterson presiding

On motions by Senator Malchon, by two-thirds vote CS for HB 1023 was withdrawn from the Committees on Health Care and Appropriations.

On motion by Senator Malchon—

CS for HB 1023—A bill to be entitled An act relating to acquired immune deficiency syndrome; amending s. 230.2319, F.S.; providing clarification for certain middle school instruction; amending s. 381.042, F.S.; correcting language and a cross reference; amending s. 381.609, F.S.; defining "significant exposure"; authorizing release of preliminary HIV test results under certain circumstances; defining "health care provider" with respect to the disclosure of certain test results; providing an exception to informed consent for release of HIV test results to certain child custodians; providing an exception to informed consent for medical personnel in certain situations where a significant exposure has occurred; exempting the results of such tests from s. 119.07(1), F.S.; providing for future legislative review of such exemptions pursuant to the Open Government Sunset Review Act; amending s. 381.6105, F.S.; providing an exemption from confirmatory testing for certain organ and tissue donations; authorizing release of preliminary test results; amending s. 384.29, F.S.; providing for release of certain confidential information; amending s. 796.08, F.S.; authorizing injured law enforcement officers, firefighters, paramedics, and emergency medical technicians to obtain results of tests for certain sexually transmissible diseases; providing for confidentiality; providing a penalty; providing for review and repeal; directing the Department of Health and Rehabilitative Services to conduct a survey relating to incidents of significant exposure and to prophylactic use of zidovudine (AZT); providing for rules; requiring a report; providing an effective date.

—a companion measure, was substituted for CS for SB's 1452, 2818 and 1254 and read the second time by title.

Senator Malchon moved the following amendments which were adopted:

Amendment 1—On page 3, line 29, through page 4, line 17, strike all of said lines and insert:

Section 2. Section 381.042, Florida Statutes, is repealed.

Amendment 2—On page 10, strike all of lines 3-5 and insert: a written notice within 10 days, except that this ~~notice written statement~~ shall not be required for the disclosures made pursuant to subparagraphs (f)3. and 4 ~~subparagraph 3~~.

Amendment 3—On page 12, strike all of lines 25 and 26 and insert: *medical record of the medical personnel, that there has been a*

Amendment 4—On page 14, lines 5 and 6, strike "*records of the individual and the*" and insert: *record of the*

Amendment 5—In title, on page 1, strike all of lines 5 and 6 and insert: instruction; repealing s. 381.042, F.S.; relating to education requirements for health care professions;

On motion by Senator Malchon, by two-thirds vote CS for HB 1023 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Bankhead	Diaz-Balart	Johnson	Peterson
Beard	Dudley	Kirkpatrick	Plummer
Brown	Forman	Kiser	Stuart
Bruner	Gardner	Langley	Thomas
Casas	Girardeau	Malchon	Thurman
Childers, D.	Gordon	Margolis	Walker
Crenshaw	Grant	McPherson	Weinstein
Davis	Grizzle	Meek	Weinstock
Deratany	Jennings	Myers	Woodson-Howard

Nays—None

Vote after roll call:

Yea—W. D. Childers, Souto

The Senate resumed consideration of—

SB 928—A bill to be entitled An act relating to hazardous materials; amending s. 252.85, F.S.; delaying the effective date of a change in the method of calculating hazardous materials fees; providing a retroactive effective date.

—with pending **Amendment 2** which was adopted.

On motion by Senator Malchon, by two-thirds vote the Senate reconsidered the vote by which **Amendment 1** was adopted. **Amendment 1** was withdrawn.

Senator Malchon moved the following amendments which were adopted:

Amendment 3—In title, on page 1, strike line 2 and insert: An act relating to hazardous materials and the environment;

Amendment 4—In title, on page 1, line 5, after the semicolon (;) insert: providing for limited liability for certain not-for-profit corporations with regard to hazardous waste on certain real property;

Amendment 5—In title, on page 1, line 5, after the semicolon (;) insert: creating s. 376.3074, F.S.; providing for assessment of fees for failure to comply with registration, monitoring, reporting, and record-keeping requirements relating to pollution of surface and ground waters; amending s. 403.121, F.S.; providing for assessment of fees for failure to comply with reporting requirements relating to wastewater treatment facilities; amending s. 403.727, F.S.; providing for assessment of fees for certain violators who fail to comply with described requirements relating to the discharge of hazardous waste; providing procedures; providing for rules; limiting the amount of fees; providing for civil actions to collect fees assessed; providing for deposit in specified funds or trust funds; authorizing certain use of fees collected;

On motion by Senator Malchon, by two-thirds vote SB 928 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Bankhead	Diaz-Balart	Kirkpatrick	Scott
Beard	Forman	Kiser	Souto
Brown	Gardner	Langley	Stuart
Bruner	Girardeau	Malchon	Thomas
Casas	Gordon	Margolis	Thurman
Childers, D.	Grant	McPherson	Walker
Crenshaw	Grizzle	Myers	Weinstein
Davis	Jennings	Peterson	Weinstock
Deratany	Johnson	Plummer	Woodson-Howard

Nays—None

Vote after roll call:

Yea—W. D. Childers, Dudley

Reconsideration

On motion by Senator Gardner, the Senate reconsidered the vote by which—

SB 820—A bill to be entitled An act relating to wildlife; amending s. 372.072, F.S.; defining the term "species of special concern" for purposes of a provision relating to the protection of endangered and threatened species of wildlife; authorizing the Department of Natural Resources, the Marine Fisheries Commission, and the Game and Fresh Water Fish Commission to coordinate programs with specified state agencies to conserve, protect, and replenish endangered species, threatened species, and species of special concern; providing an effective date.

—as amended passed this day.

Senator Bruner moved the following amendment which was adopted:

Amendment 5—In title, on page 1, line 13, after the semicolon (;) insert: creating s. 372.705, F.S.; prohibiting the interference with the lawful taking of fish, game, or nongame animals; providing penalties;

On motion by Senator Gardner, SB 820 as amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Bankhead	Dudley	Kiser	Stuart
Beard	Forman	Langley	Thomas
Brown	Gardner	Malchon	Thurman
Bruner	Girardeau	McPherson	Walker
Casas	Gordon	Meek	Weinstein
Childers, D.	Grant	Myers	Weinstock
Crenshaw	Grizzle	Peterson	Woodson-Howard
Davis	Jennings	Plummer	
Deratany	Johnson	Scott	
Diaz-Balart	Kirkpatrick	Souto	

Nays—None

Vote after roll call:

Yea—W. D. Childers

CS for SB 2256—A bill to be entitled An act relating to vending machine sales; creating s. 212.0515, F.S.; providing a method for calculating the sales tax on sales made through vending machines; providing a definition; requiring an identifying device for each machine; establishing a fee for such devices; requiring reports on vending machine sales and the taxes remitted on those sales; providing for deposit of certain vending machine sales tax collections; providing for distribution; providing limitations on uses of such moneys; providing for grants; providing penalties; amending s. 212.20, F.S.; providing for deposit of vending machine sales tax collections; amending s. 212.12, F.S.; providing for separately reporting sales made through vending machines; providing an appropriation; providing an effective date.

—was read the second time by title. On motion by Senator Deratany, by two-thirds vote CS for SB 2256 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Diaz-Balart	Kirkpatrick	Scott
Beard	Dudley	Kiser	Souto
Brown	Forman	Langley	Stuart
Bruner	Gardner	Malchon	Thomas
Casas	Girardeau	Margolis	Thurman
Childers, D.	Gordon	McPherson	Walker
Childers, W. D.	Grant	Meek	Weinstein
Crenshaw	Grizzle	Myers	Weinstock
Davis	Jennings	Peterson	Woodson-Howard
Deratany	Johnson	Plummer	

Nays—None

On motions by Senator Thurman, by two-thirds vote HB 2163 was withdrawn from the Committees on Agriculture and Appropriations.

On motion by Senator Thurman—

HB 2163—A bill to be entitled An act relating to plant industry; amending s. 581.011, F.S.; defining "arthropod"; modifying the definition of "plant pest"; amending s. 581.031, F.S.; modifying powers and duties of the Department of Agriculture and Consumer Services to provide for control of arthropods; amending s. 581.083, F.S.; prohibiting introduction or release of arthropods except under special permit; amending s. 581.101, F.S.; providing for quarantines; providing an effective date.

—a companion measure, was substituted for SB 1044 and read the second time by title. On motion by Senator Thurman, by two-thirds vote HB 2163 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Bankhead	Diaz-Balart	Johnson	Plummer
Beard	Dudley	Kirkpatrick	Souto
Brown	Forman	Kiser	Stuart
Bruner	Gardner	Malchon	Thomas
Casas	Girardeau	Margolis	Thurman
Childers, D.	Gordon	McPherson	Walker
Crenshaw	Grant	Meek	Weinstein
Davis	Grizzle	Myers	Weinstock
Deratany	Jennings	Peterson	Woodson-Howard

Nays—None

Vote after roll call:

Yea—W. D. Childers, Langley

On motions by Senator Gardner, by two-thirds vote—

CS for HB 2771—A bill to be entitled An act relating to controlled substances; amending s. 893.13, F.S.; providing for an additional assessment for specified violations, to be used by the statewide criminal analysis laboratory system; reenacting ss. 142.01 and 142.03, F.S., relating to county fine and forfeiture funds, to incorporate said amendment in references thereto; amending ss. 893.16 and 921.187(1)(k), F.S., relating to assessments for drug abuse programs and sentencing alternatives, to conform; amending s. 943.361, F.S.; providing for use and appropriation of funds collected by imposition of the additional assessment; amending s. 893.13, F.S.; providing that certain drug traffickers are ineligible for release under the Control Release Authority; prohibiting sale, purchase, manufacture, delivery, or possession with intent to sell, purchase, manufacture, or deliver any controlled substances within specified distances of colleges, universities, postsecondary educational institutions, public parks, or public housing facilities; providing penalties; providing an effective date.

—a companion measure, was substituted for CS for SB 1004 and by two-thirds vote read the second time by title.

Further consideration of **CS for HB 2771** was deferred.

On motion by Senator Weinstein, by two-thirds vote CS for HB 1657 was withdrawn from the Committee on Insurance.

On motion by Senator Weinstein—

CS for HB 1657—A bill to be entitled An act relating to insurance; creating part XXII, ch. 627, F.S.; providing applicability to mortgage insurance in connection with consolidation; providing definitions; providing circumstances under which an insurer may participate in a consolidation of mortgage insurance; specifying content of group certificates and individual policies delivered to insured debtors; prohibiting certain clauses in such policies; providing for conversion to decreasing term policies; requiring notice of intent to conduct a consolidation; providing for group-to-group conversions; requiring disclosure of specified information; exempting group-to-group consolidations from Department of Insurance rules relating to replacement of existing insurance; requiring filing of copies of forms in advance of use; providing for review and repeal; providing an effective date.

—a companion measure, was substituted for CS for SB 2902 and read the second time by title. On motion by Senator Weinstein, by two-thirds vote CS for HB 1657 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Bankhead	Dudley	Kiser	Stuart
Beard	Gardner	Langley	Thomas
Brown	Girardeau	Malchon	Thurman
Bruner	Gordon	McPherson	Walker
Casas	Grant	Meek	Weinstein
Childers, D.	Grizzle	Myers	Weinstock
Crenshaw	Jennings	Peterson	Woodson-Howard
Davis	Johnson	Plummer	
Deratany	Kirkpatrick	Souto	

Nays—None

Vote after roll call:

Yea—W. D. Childers

The Senate resumed consideration of—

CS for HB 2771—A bill to be entitled An act relating to controlled substances; amending s. 893.13, F.S.; providing for an additional assessment for specified violations, to be used by the statewide criminal analysis laboratory system; reenacting ss. 142.01 and 142.03, F.S., relating to county fine and forfeiture funds, to incorporate said amendment in references thereto; amending ss. 893.16 and 921.187(1)(k), F.S., relating to assessments for drug abuse programs and sentencing alternatives, to conform; amending s. 943.361, F.S.; providing for use and appropriation of funds collected by imposition of the additional assessment; amending s. 893.13, F.S.; providing that certain drug traffickers are ineligible for release under the Control Release Authority; prohibiting sale, purchase, manufacture, delivery, or possession with intent to sell, purchase, manufacture, or deliver any controlled substances within specified distances of colleges, universities, postsecondary educational institutions, public parks, or public housing facilities; providing penalties; providing an effective date.

On motion by Senator Gardner, by two-thirds vote CS for HB 2771 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Beard	Dudley	Kirkpatrick	Stuart
Brown	Forman	Kiser	Thomas
Bruner	Gardner	Langley	Thurman
Casas	Girardeau	Malchon	Walker
Childers, D.	Gordon	McPherson	Weinstock
Crenshaw	Grant	Meek	Woodson-Howard
Davis	Grizzle	Myers	
Deratany	Jennings	Peterson	
Diaz-Balart	Johnson	Souto	

Nays—None

Vote after roll call:

Yea—W. D. Childers

On motion by Senator Beard, by unanimous consent—

CS for HB 2963—A bill to be entitled An act relating to trafficking in controlled substances; amending s. 893.135, F.S.; providing that trafficking in specified amounts of cocaine or opiates is a first degree felony punishable by life imprisonment without the possibility of parole; providing circumstances under which such offense is a capital felony punishable by death or life imprisonment; creating s. 921.142, F.S.; providing findings; providing for separate proceedings on the issue of penalty; providing for advisory sentence by the jury; requiring the court to make certain findings if it imposes the death penalty; providing for Supreme Court review of judgments of conviction and sentences of death; providing aggravating and mitigating circumstances; amending s. 921.141, F.S.; providing that said section does not apply to capital drug trafficking felonies; providing an effective date.

—was taken up out of order and read the second time by title. On motion by Senator Beard, by two-thirds vote CS for HB 2963 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Bankhead	Diaz-Balart	Johnson	Souto
Beard	Dudley	Kirkpatrick	Stuart
Brown	Forman	Kiser	Thomas
Bruner	Gardner	Langley	Thurman
Casas	Girardeau	Malchon	Walker
Childers, D.	Gordon	Myers	Weinstein
Crenshaw	Grant	Peterson	Weinstock
Davis	Grizzle	Plummer	
Deratany	Jennings	Scott	

Nays—None

Vote after roll call:

Yea—W. D. Childers

Motion

On motion by Senator Scott, the rules were waived and time of recess was extended until final action on HB 513.

On motions by Senator Kiser, by two-thirds vote HB 513 was withdrawn from the Committees on Health Care and Judiciary-Civil.

On motion by Senator Kiser—

HB 513—A bill to be entitled An act relating to life-prolonging procedures; amending s. 765.03, F.S.; revising the definition of “life-prolonging procedure” as used in the Life-Prolonging Procedure Act of Florida, which act provides a procedure for permitting life-prolonging procedures to be withheld or withdrawn from a patient in a terminal condition, under certain circumstances; amending s. 765.05, F.S.; revising the suggested form of declaration; creating s. 765.075, F.S.; providing circumstances under which nutrition or hydration may be withheld or withdrawn; providing right of next of kin to negate such withholding or withdrawal; creating s. 765.17, F.S.; providing for recognition of declarations executed in other states; providing an effective date.

—a companion measure, was substituted for SB 2144 and read the second time by title. On motion by Senator Kiser, by two-thirds vote HB 513 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Bankhead	Diaz-Balart	Kiser	Souto
Beard	Dudley	Langley	Stuart
Brown	Forman	Malchon	Thurman
Bruner	Gardner	Margolis	Walker
Casas	Gordon	McPherson	Weinstein
Childers, D.	Grant	Meek	Weinstock
Crenshaw	Grizzle	Myers	Woodson-Howard
Davis	Jennings	Peterson	
Deratany	Johnson	Scott	

Nays—None

Vote after roll call:

Yea—W. D. Childers, Girardeau, Kirkpatrick

Motion

On motion by Senator Scott, the rules were waived and the Committee on Executive Business was granted permission to meet May 30 upon adjournment to consider the agenda published in the calendar.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Scott, by two-thirds vote CS for SB 2350 was withdrawn from the Committee on Governmental Operations.

On motions by Senator Scott, by two-thirds vote CS for SB 1544 was withdrawn from the Committees on Governmental Operations; and Corrections, Probation and Parole.

On motions by Senator Margolis, by two-thirds vote CS for HB 1827, SJR 246, CS for SB 306, CS for SB 362, CS for SB 800, CS for SB 938, CS for SB 1490, SB 1500, CS for SB 1708, CS for SB 1778, CS for SB 1968, CS for SB 2316, CS for SB 2970, SB 2976 and CS for SB 2872 were withdrawn from the Committee on Appropriations.

On motions by Senator Margolis, by two-thirds vote CS for SB 1744 was withdrawn from Subcommittee C of the Committee on Appropriations and the Committee on Appropriations.

On motions by Senator Margolis, by two-thirds vote CS for SB 2012 was withdrawn from Subcommittee A of the Committee on Appropriations and the Committee on Appropriations.

On motions by Senator Margolis, by two-thirds vote CS for SB 2524 was withdrawn from Subcommittee B of the Committee on Appropriations and the Committee on Appropriations.

On motions by Senator Deratany, by two-thirds vote CS for SB 2384, CS for SB 1144 and CS for SB 2052 were withdrawn from the Committee on Finance, Taxation and Claims.

On motion by Senator Deratany, by two-thirds vote SB 1690 was also

referred to the Committee on Finance, Taxation and Claims.

ENROLLING REPORTS

SB 714, CS for SB 916 and CS for SB 1260 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 29, 1990.

Joe Brown, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 28 was corrected and approved.

RECESS

On motion by Senator Scott, the Senate recessed at 5:05 p.m. to reconvene at 9:30 a.m., Wednesday, May 30.